Game Bird Farm and Shooting Preserve Programs

FINAL PROGRAMMATIC ENVIRONMENTAL IMPACT STATEMENT

December 2001

Montana Fish, Wildlife & Parks

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CHAPTER 1

INTRODUCTION

BACKGROUND FOR PROGRAMMATIC EIS

Montana Fish, Wildlife and Parks (MFWP) administers and regulates game bird farm and game bird shooting preserve programs, and general possession and release of game birds in Montana under the provisions of Title 87, Chapters 1 through 5, Montana Code Annotated (87-1 through 5, MCA). Game bird farms are Aenclosed areas upon which game birds may be kept for purposes of obtaining, rearing in captivity, keeping, and selling game birds or parts of game birds≅. Shooting preserves are land areas of less than 1,280 acres upon which game birds may be released for shooting from September 1 through March 31. Money used to administer these programs is raised through general license fees and license fees for game bird farms and shooting preserves.

In July 2001 there were 100 game bird farms and 100 shooting preserves licensed in Montana. In addition to reviewing game bird farm and shooting preserve applications under 87-1 through 5, MCA,. MFWP is required to comply with the Montana Environmental Policy Act (MEPA) prior to granting a license to operate a game bird farm or game bird shooting preserve in Montana. MFWP must either prepare an Environmental Assessment (EA) or an Environmental Impact Statement (EIS) to comply with MEPA.

MEPA requires all state agencies to recognize and consider to the fullest extent possible the consequences that their actions may have on the
quality of the human environment 75-1-201, MCA) and directs them to:

- use a systematic, interdisciplinary approach which will ensure the integrated use of the natural sciences and the environmental design arts in planning and decision making which may have an impact on the environment; and identify and develop methods and procedures which will ensure that presently unquantified environmental amenities and values may be
  given appropriate consideration in decision making along with economic and technical considerations.

The purpose of preparing an EA or EIS prior to licensure is to describe the proposed action, and evaluate potential impacts, including cumulative and secondary impacts, on the physical environment. Historically, MFWP has prepared EAs for game bird farms and game bird shooting preserves in the form of an environmental checklist.

A "programmatic review" is a MEPA document that is defined as a "general analysis of related agency-initiated actions, programs or policies, or the continuance of a broad policy or program" that may "in part or in total...constitute a major state action significantly affecting the quality of the human environment" (4.2.328 ARM). Programmatic reviews must discuss impacts associated with the agency action or program, alternative ways of conducting the action, and cumulative environmental effects of the alternatives in relation to other programs of similar nature. MEPA requires the MFWP to:

- issue a Draft Programmatic Environmental Impact Statement (PEIS);
- encourage and accept public comments on the draft; and
- issue a Final PEIS.

The Final PEIS may:

- modify alternatives, including the preferred alternative;
- develop and evaluate alternatives not previously considered;
- supplement, improve, or modify the analysis contained in the draft;
- make factual corrections; and
- explain why comments do not warrant further response.

PURPOSE AND NEED

This PEIS describes game bird farm and game bird shooting preserve programs in Montana as currently administered, the existing environment and resources these programs affect, and the direct, indirect, and cumulative impacts the programs have on the natural and human environment. This document will assist MFWP in planning and decision making by presenting an integrated and interdisciplinary analysis of administrative alternatives for game bird farm and shooting preserve programs, including the potential for establishing categorical exclusions from MEPA review. Analyses of impacts presented in this document are based on literature research, public comments, and interviews with MFWP personnel, wildlife agency personnel in other states, and game bird farm and shooting preserve owners/operators.

Alternatives considered in this PEIS were developed in consideration of issues identified by MFWP and public comments received during the public scoping process. The alternatives are intended to reduce or minimize potential impacts associated with programs and identify methods to streamline or improve program management.

Several alternatives are evaluated in this PEIS. Alternative A, the "No Action" Alternative, maintains the current regulations and management for game bird farms and shooting preserves. Alternative B modifies program management by categorically excluding all proposed game bird farm and shooting preserves from MEPA review. Alternative C would categorically exclude proposed game bird farms and shooting preserves from MEPA review as long as certain stipulated conditions are met, and certain mitigation measures are implemented when necessary. Alternative D would incorporate a variety of regulatory management changes with either Alternatives A, B, or C.

A number of people and organizations have expressed the opinion that this PEIS should address philosophical issues, such as how the existence of game farms may affect the public's perception of hunting, or of what is "wild," or whether or not there should be game bird farms and shooting preserves. The game bird farm and shooting preserve programs have been created through legislation, and the proper forum for these and similar philosophical questions, and changes to the program that might result from these discussions, is through the legislative process. It is for this reason that there is not an alternative to eliminate these programs altogether.

ROLE OF MFWP AND OTHER GOVERNMENT AGENCIES

MFWP licensing authority is specified in Title 87, Chapter 4, Parts 5 and 9, MCA. MFWP is required to complete an EA/EIS in accordance with MEPA before it can issue a license for new game bird farms and game bird shooting preserves. A game bird farm license is required to own, control, or propagate game

birds for commercial purposes. Game bird farm licensees may only release birds into the wild with prior department approval. Shooting preserve licenses may not be issued for operations which will substantially reduce hunting areas available to the public as determined by the MFWP.

The Montana Department of Livestock (MDoL) is responsible for regulating importation of game farm birds. Under current law, game birds raised on farms in Montana are not required to be tested for diseases. However, all birds brought into the state must be certified as pullorum-typhoid free. Out-of-state hatcheries typically comply with this requirement by participating in the National Poultry Improvement Plan (NPIP). The NPIP program in Montana is administered by the MDoL.

The Montana Department of Environmental Quality (DEQ) is responsible for regulating activities that could affect the quality of state water. A permit from DEQ is required to construct or use any outlet for discharge of wastes or wastewater into state surface water or groundwater under the Montana Water Quality Act. Nonpoint discharges from new or increased sources are regulated by DEQ under the nondegradation policy described in Title 75, Chapter 5, Part 3, MCA.

The U.S. Army Corps of Engineers is responsible for permitting placement of any dredged or fill material into waters of the U.S. or wetlands under Section 404 of the Clean Water Act.

The Montana Department of Natural Resources and Conservation (DNRC) is responsible for regulating state surface and groundwater rights. Owners of all supply wells within the state are required to file a notice of completion of any new well within 60 days of completion. Water supply wells must be drilled by a contractor licensed by the Board of Water Well Contractors or by a person who has obtained a permit from the board to drill a well on agricultural property for private use. Any groundwater appropriation exceeding 35 gallons per minute or 10-acre feet of water per year for beneficial use, or is located inside an established controlled groundwater area, must be permitted by DNRC prior to well construction.

The U.S. Department of Interior, Fish and Wildlife Service, administers the Federal Endangered Species Act which provides special protection to any species or its habitat if the species is listed as threatened or endangered.

Individual counties throughout the state administer the County Noxious Weed Control Act (CNWCA) (7-22-212 et seq., MCA). The Act makes it unlawful for persons to allow noxious weeds to propagate or go to seed on their land and encourages landowners to file weed control plans. State law requires counties to develop weed control districts to plan and implement weed control efforts.

PUBLIC SCOPING

A Notice of Intent to prepare this PEIS was distributed to all game bird farm and shooting preserve licensees, the Montana Wildlife Federation, and others who have expressed an interest in the subject over the past three years. Distribution of these notices on February 19, 1998 initiated a public scoping period that solicited comments through March 20, 1998.

MFWP held a public open house in Helena, Montana, on March 3, 1998, to solicit concerns of the interested public. Approximately 22 people attended the open house and MFWP received 17 written comments from individuals or groups.

Issues Raised During Scoping Period

All issues raised during the public scoping period are discussed in this PEIS and are summarized below:

Wildlife

- Potential transmission of disease from pen-reared birds to wild bird populations.
- Potential genetic hybridization of wild game bird populations, primarily pheasants and turkeys.
- Potential for nesting habits of pen-reared birds to affect wild bird populations. Ring-necked pheasants are relatively aggressive and may lay eggs in other bird nests.
- Potential for game bird farm and shooting preserve programs to increase predator populations.
- Consequences of releasing chukars and Hungarian partridge on shooting preserves.

Vegetation

- Potential impact to vegetation variety and quantity in areas near shooting preserves.
- Potential for noxious weeds to spread as a result of game bird farm or shooting preserve practices.

Noise

- Potential effects of noise on wild game, domestic animals, and humans.

Socioeconomic

- Potential for shooting preserves to affect public hunting opportunities and affect wild game bird populations. The 7-month season for shooting preserves to increase potential for wild birds to be harvested on shooting preserves was also an issue.

PUBLIC COMMENTS ON THE DRAFT PEIS

On November 18, 1999, the Draft PEIS was distributed to game bird farm and shooting preserve licensees, the Montana Wildlife Federation, and others that had expressed an interest in the subject during the previous three years, including those parties attending the public scoping open house meetings and those submitting written comments. Public hearings were held in Great Falls on January 18 and in Billings on February 1, 2000, to take comments on the Draft PEIS. Written comments were accepted through February 29, 2000. Thirty-four written comments were received during this period.

A summary of comments received during the public hearings, copies of all letters received during the public comment period, and responses to substantive comments relevant to the PEIS are found in Chapter 7. Some sections of the Draft PEIS were modified to incorporate or address concerns raised during the public comment period.

A number of comments concerned issues that were not within the scope of this document, as defined in the Purpose and Need. Many of these were comments regarding related issues, such as the upland game bird habitat enhancement program, the pheasant release program, and bird dog training. A number of these comments noted substantial inconsistencies in various requirements between these programs. MFWP recognizes these inconsistencies and intends to address these and remedy them where possible. Some other comments were essentially philosophical questions regarding the ethics of hunting on shooting preserves, etc. The reason that philosophical questions are not addressed in this PEIS is stated in the above Purpose and Need section.

CHAPTER 2

DESCRIPTION OF EXISTING PROGRAM

INTRODUCTION

This chapter summarizes existing laws and rules of MFWP pertaining to game bird farms and game bird shooting preserves A description of other game bird programs/policies is also included in this chapter.

Alternatives considered in this PEIS were developed in consideration of issues identified by MFWP and public comments received during the public scoping process. The alternatives are intended to reduce or minimize potential impacts associated with programs and identify methods to streamline or improve program management.

EXISTING REGULATIONS

As of July, 2001, there were 100 game bird farms and 100 game bird shooting preserves licensed in Montana. Many of the shooting preserves hold both a shooting preserve and game bird farm license. Existing game bird farms and shooting preserves were licensed and administered under the laws and rules described below. Approximately 50 private permits to release game birds are issued each year and approximately 100 new permits to possess game birds are issued each year.

Game Bird Farms

Current laws and rules pertaining to operation of game bird farms in Montana were promulgated in 1983. "Game bird farm" means an enclosed area upon which game birds may be kept for purposes of obtaining, rearing in captivity, keeping, and selling game birds or parts of game birds (87-4-901, MCA). Game birds that may be raised on a game bird farm include all Aupland game birds≅ except that the only pheasants included are ring-necked pheasants, and quail are not included.

"Upland game birds" mean sharp-tailed grouse, blue grouse, spruce (Franklin) grouse, prairie chicken, sage hen or sage grouse, ruffed grouse, ring-necked pheasant, Hungarian partridge, ptarmigan, wild turkey, quail, and chukar partridge (87-2-101, MCA). Individuals may be authorized by MFWP to possess game birds for non-commercial personal use.

Based on comments received during the public scoping period, the definition of "upland game birds" has generated some confusion. Under 87-2-101, MCA (General Provisions), quail are considered an "upland game bird." However, under 87-04-901, MCA (Game Bird Farms), quail are not included as an "upland game bird" for purposes of game bird farms. Because quail are considered an upland game bird under the General Provisions of Fishing, Hunting, and Trapping statutes, all licensing, season restrictions, and other general hunting laws that apply to other game birds also apply to quail; however, there is no general hunting season for quail in Montana. Game bird farm laws and rules described hereafter do not apply to quail.

Individuals may raise quail with department authorization, and quail may only be released in Montana with MFWP authorization. Currently, quail may only be released on licensed shooting preserves and for authorized dog training.

Game bird farm licenses are subject to renewal on an annual basis. Game bird farm licenses expire January 31 following the date of issuance. New game bird farm licenses are subject to a fee of $25 with a renewal fee of $15. An example game bird farm application form is included in Appendix A.

Game bird farm owners are required to fence or enclose the bird farm in a manner sufficient to prevent entry of wild game birds and to prevent escape of game farm birds into the wild. Game birds raised on a licensed game bird farm are the private property of the licensee and the licensee can sell and transfer the birds as private property as long as they are transported in compliance with applicable state laws and rules. Game bird farm owners are required to keep records of the number and species of birds purchased, transferred, and sold, and the names of each person the birds were purchased from or sold to. Game bird farm licensees are required to submit a report to MFWP on or before January 31 of each year describing numbers and species of birds on the bird farm on January 1 and number and species of birds purchased, transferred, or sold during the previous year.

Game bird chicks are also sold through farm supply/feed stores during spring months. Chicks sold at these facilities typically include chickens, ducks, and pheasants. Farm supply/feed stores generally sell game bird chicks on a walk-in basis, where the store maintains a supply of chicks housed in open-topped cardboard boxes, or through special order. In the latter case, the store will take a personal order for a certain number of chicks and obtain the chicks from an out-of-state supplier. The store notifies the purchaser the day before the order arrives, and the purchaser is expected to pick up the birds within an hour of their arrival. In these cases, the chicks are seldom removed from their shipping boxes prior to transfer to the purchaser. Farm supply/feed stores that sell game bird chicks through either of the aforementioned methods are required to have a game bird farm license. Licensing inspections at these types of facilities are difficult because the stores usually do not have the required cages at the time the store applies for the license. Game birds can also be purchased directly from an out-of-state vendor. In this case, the birds are shipped by the U.S. Postal Service, and the purchaser picks up the birds at the post office. Game bird farm licenses are not required for this type of transaction.

Currently, game bird farm operators are not required to test birds raised on Montana bird farms for disease. However, birds imported into the state must be certified as pullorum-typhoid free under Montana Department of Livestock rules.

Shooting Preserves

General locations of currently licensed shooting preserves are shown on Figure 2-1. Operating licenses for shooting preserves can be issued to individuals, partnerships, associations, or corporations on land under the applicant=s legal control. Artificially propagated birds of the following species can be released on licensed shooting preserves in Montana:

~~□ring-necked pheasant~~
~~□chukar partridge~~
- ~~Hungari~~

- ring-necked pheasant
- chukar partridge
- Hungarian partridge
- turkey
- quail

~~an partridge~~
~~□turkey~~
~~□quail~~

Additional species may be added to the above list only through amendment of ARM 12.6.1202. According to ARM 12.6.1202, MFWP may add other species that can be released on shooting preserves by rule change as long as the additional species are artificially propagated and indigenous to Montana or have established a permanent population in Montana and are found in the wild. Shooting preserves are limited to no more than 1,280 contiguous acres and cannot be located within 10 miles of an existing preserve. Shooting preserves cannot be located in an area that would substantially reduce hunting areas available to the public, based on a determination by MFWP. Exterior boundaries of shooting preserves must be clearly marked and posted with signs at intervals of 250 feet or less. Shooting preserve license fees are $50 per year for the first 160 acres of the shooting preserve plus $20 per year for each additional 160 acres or portion thereof. An example application form for shooting preserves is contained in Appendix A.

Artificially propagated game birds can be hunted on shooting preserves from September 1 through March 31 of each year. Shooting preserve hunters are required to have a valid resident ($6) or non-resident ($110) upland game bird license and a Montana conservation license. Non-residents may choose instead to purchase a 3-day, non-resident shooting preserve bird hunting stamp for a fee of $20.

Figure 2-1
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Birds shot and retrieved on shooting preserves must be tagged with self-sealing tags. The tags must remain attached to the birds until the birds are prepared for consumption, whether they are consumed on the shooting preserve property or consumed elsewhere. MFWP supplies shooting preserve operators with tags at a cost of $0.10 per tag.

Shooting preserve owners/operators are required to disclose whether the preserve is open to the public on a commercial basis or if the preserve is restricted to a membership or other limited group. MFWP is required to keep records of names, addresses, and locations of property of everyone who holds shooting preserve licenses and make this list available to the public on request.

A minimum number of stock of each species authorized must be released on the shooting pre-serve in the licensed area throughout the course of the shooting preserve season. The number of stock to be released is determined by MFWP and the applicant during the environmental assess-ment process. Not more than 80 percent of the total number of each species of birds released on the shooting preserve each year may be harvested.

Shooting preserve operators must maintain the following records:

- Name, home address, and hunting license number of all hunters;
- Date on which they hunted;
- Number and species of birds taken;
- Tag number affixed to each carcass;
- Total number, by species of birds raised and/or purchased; and,
- Date and number of all species released.

Shooting preserves and records are subject to unscheduled inspections by MFWP to ensure compliance with all statutes, rules and regulations. Inspections are to be made at reasonable times.

Wild game birds can be harvested on shooting preserves as long as all applicable license, game, and hunting laws pertaining to open seasons, bag and possession limits, and rules as established by MFWP and the U.S. Fish and Wildlife Service are obeyed.

Other MFWP Game Bird Programs

MFWP administers several other programs that may involve release of pen-reared game birds, including the upland game bird enhancement program, personal permit to release ring-necked pheasants, and dog training or field trials. These programs are not the direct subject of this PEIS but there is an important relationship between game bird farm and shooting preserve regulations and MFWP's policies on release of pen-reared game birds. Because these programs involve releasing pen-reared game birds in the wild, brief descriptions of each are presented in this chapter to provide the reader with a general understanding of administrative policies associated with these other programs. The MFWP Enforcement Division administers the permits to possess and permits to release game birds, and the Wildlife Division administers the upland game bird enhancement program. Application forms for other MFWP game bird programs are in Appendix A.

Permit to Release Ring-Necked Pheasants

Holders of personal permits to release game birds may release pen-reared ring-necked pheasants on private land with permission from the landowner. Under this program, a maximum of 200 birds may be

released annually on a contiguous parcel of land between March 1 and August 31 of each year as specified by the applicant, and the release site is subject to approval by the department. Permits to release pheasants are free and can be obtained at all regional MFWP offices.

Permits for Field Trials or Dog Training

Field trials are events designed to determine a dog's ability to point, flush, or retrieve game birds (87-4-915, MCA). A permit issued by MFWP is required to conduct a field trial. Field trial applications must be submitted to MFWP at least 20 days prior to the field trial and must include: 1) applicant's name and address; 2) name and address of any national affiliate; 3) description of where the field trial will be conducted; 4) date or dates of the field trial; 5) whether live birds will be used in the field trial; and 6) any other information required by MFWP to determine the advisability of granting permission for the field trial.

Field trial permitees are required to carefully flush all wild game birds from the fields to be used for the trial each day before the field trial begins. Dogs are not permitted to run in fields where wild birds have not yet been flushed. All live birds used in field trials must be tagged before planted or released and are only to be planted or released in the presence of a MFWP representative. Untagged birds shot during field trials must be replaced with live birds.

Dogs may be trained in open fields at any time without permission from MFWP if no live game birds are killed or captured during the training session and the training is conducted more than one mile from any bird nesting site, management area, or game preserve. Dogs may be trained with a method that will kill birds acquired from a game bird farm upon approval from MFWP. Permit applications are available from MFWP Helena and regional offices.

Permit requirements for dog training that involve the shooting of pen-reared game birds will be required and clarified in department rules. No permit would be required for use of pigeons in dog training provided that the training does not occur within one mile of any bird nesting or management area or game preserve. It would be the responsibility of the dog trainer to select an acceptable location for training purposes.

Upland Game Bird Enhancement Program

Under 87-1-246, MCA, a portion of license fees collected from sale of resident and non-resident upland game bird, combination sports, and non-resident big game combination licenses must be used by MFWP to preserve and enhance upland game bird populations in Montana. No more than 15 percent of the money generated from this program can be used to: 1) prepare and distribute information to landowners and organizations concerning the upland game bird enhancement program; 2) review potential pheasant release sites; 3) assist applicants in preparing management plans for project areas; and 4) evaluate the upland game bird enhancement program. At least 15% of the money generated must be set aside for expenditures related to upland game bird releases and at least 25% of that money set aside for upland game bird releases must be spent each year. The remainder of the money raised must be used for the development, enhancement, and conservation of upland bird habitat in Montana.

Projects eligible for funding under the upland game bird enhancement program must have suitable pheasant habitat as determined by MFWP to support a permanent pheasant population. Efforts toward upland game bird habitat enhancement must include assistance to applicants in establishment of suitable nesting cover, winter cover, and feeding areas through cost sharing programs, leases, and conservation easements. Projects involving hunting preserves or any commercial enterprises where hunting rights are leased or paid for are not eligible for funding through the upland game bird habitat enhancement program. MFWP must give preference to youth organizations, 4-H clubs, sports groups, or other organizations considered to be large enough to guarantee completion of a project. Individual landowners also may apply, as long as the project area is open to public hunting (87-1-248, MCA).

Avicultural Permits

Under 87-2-807, persons can obtain an avicultural permit that allows the person to take, capture, and possess migratory game birds for the purpose of propagation. Hatched migratory game birds or their eggs taken under an avicultural permit remain the property of the state and may be disposed only with the permission of the state. Progeny of hatched migratory game birds taken under an avicultural permit become the private property of the permit holder and the owner may sell or transfer the birds as private property, subject to applicable state or federal laws.

The U.S. Fish and Wildlife Service also regulates migratory game birds and issues permits. Therefore, it is not necessary for the state of Montana to issue avicultural permits. Although beyond the scope of this document, the MFWP is considering eliminating its avicultural permit requirements. Elimination of the state's avicultural permit would require legislative action, which could not be requested until 2003.

Program Alternatives

Based on this programmatic review of game bird farms and shooting preserves, four alternatives for future program management were identified for consideration. These alternatives are discussed in detail in Chapter 4, Program Alternatives.

Alternative A, the No Action Alternative

Game bird farm and shooting preserve programs would continue to be administered as they currently are. All new game bird farms and shooting preserves would be subject to review for compliance under the Montana Environmental Policy Act (MEPA). Typically, this review has included completion of an Environmental Assessment checklist (Appendix B).

Alternative B

This alternative recommends a categorical exclusion from MEPA review for all new game bird farms and shooting preserves.

Alternative C

Alternative C recommends a categorical exclusion from MEPA review for all new game bird farms and for shooting preserves contingent on a specified set of conditions. These conditions would include compliance with all applicable rules and regulations and a number of mitigation measures designed to minimize or prevent impacts to identified wildlife resources (see Chapters 3 and 4) and neighboring landowners. Impacts would initially be assessed through a checklist to determine whether mitigation measures would be appropriate or whether an EA of EIS would be needed. Mitigation measures described under Alternative C may require administrative rule changes.

Alternative D

This alternative describes mitigation measures developed to address program management issues such as program funding, and other program changes that may require legislative actions.

CHAPTER 3

AFFECTED ENVIRONMENT

INTRODUCTION

This chapter describes existing environmental resources in Montana relevant to issues presented in Chapter 1. Potential direct, indirect, and cumulative impacts of the proposed action and alternatives are presented in Chapter 5.

WATER RESOURCES

Surface Water

Three river systems drain the majority of Montana: the Clark Fork, the Yellowstone, and the Missouri. Most streams west of the Continental Divide feed the Clark Fork River where it enters Idaho near Troy, Montana. The Clark Fork River flows to the Columbia River of Washington and Oregon, eventually discharging to the Pacific Ocean near Portland. The Yellowstone and Missouri rivers drain areas east of the Continental Divide and flow north and east before joining in western North Dakota. The Missouri River enters the Mississippi River at St. Louis before emptying into the Gulf of Mexico.

Certain drainages in portions of northwestern Montana drain north to the Hudson Bay (St. Mary River Basin) or west into Idaho (Kootenai River Basin). Other smaller drainages in southeastern Montana flow directly east and enter the Little Missouri River in southwestern North Dakota.

The Clark Fork River leaves Montana as the state's largest river. Headwaters of the Clark Fork are in southwestern Montana near Butte and Anaconda and major tributaries include the Blackfoot, Bitterroot, and Flathead rivers.

Average discharge in the Clark Fork near the Idaho border is 21,900 cubic feet per second (cfs). Extreme flows in the Clark Fork near Idaho include a high of 195,000 cfs in 1894 and a low of 270 cfs in 1952 (USGS 1995). Numerous dams have been built on the Clark Fork River and its tributaries to generate hydroelectric power and control flooding.

The Yellowstone River originates in Yellowstone National Park, Wyoming, flows northeasterly across Montana, and enters the Missouri River near Williston, North Dakota. Major tributaries include the Stillwater, Clark Fork of the Yellowstone, Bighorn, Tongue, and Powder rivers. Average discharge in the Yellowstone near Sidney, Montana is 12,720 cfs. Extreme flows near Sidney include a high of 159,000 cfs in 1921 and a low of 470 in 1961 (USGS 1995). Dams have not been constructed on the Yellowstone River or its tributaries. Water is extracted from the Yellowstone throughout its course for irrigation, domestic, and municipal purposes.

The Missouri River, formed by the convergence of the Jefferson, Madison, and Gallatin rivers in southwestern Montana, flows north and east to its confluence with the Yellowstone River. Major tributaries include the Marias, Musselshell, and Milk rivers. Average discharge in the Missouri River near the North Dakota border is 10,180 cfs. Extreme flows include a high of 78,200 cfs in 1943 and a low of 575 cfs in 1941 (USGS 1995). Several dams have been constructed on the Missouri River and its tributaries to generate electric power, provide water for irrigation, and control flooding. The largest area of impounded water is Fort Peck Reservoir in northeast Montana. Water is extracted from the Missouri throughout its course for irrigation, domestic, and municipal purposes.

Surface water quality in Montana varies widely by location. Mountainous areas in western Montana receive large amounts of precipitation relative to eastern Montana. These higher precipitation rates result in a higher rate of fresh water recharge to surface water systems in western Montana, which generally results in higher quality surface water in western Montana. Further, geologic material in western Montana is generally less mineralized than geologic material in eastern Montana. This feature also contributes to generally higher quality surface water in western Montana relative to eastern Montana.

Stream classifications have been developed by the Montana Department of Environmental Quality (DEQ) for every major river and tributary in the state. DEQ has also adopted numeric standards to limit the amount of various substances that can be released to surface water. The various water quality standards for each stream class are established by ARM 17.30.603.

Game bird farms and game bird shooting preserves are located in virtually all regions of Montana. In western Montana, game bird farms and shooting preserves are typically located in valley bottoms near riparian areas; whereas in eastern Montana, bird farms and shooting preserves are located in both valley bottoms and upland areas.

Groundwater

Occurrence, quality, and movement of groundwater in Montana is dependent on site-specific factors, such as geology, topography, and climate. Water-bearing formations are divided into two general categories: unconsolidated and consolidated.

Unconsolidated water-bearing formations are generally formed by stream action (alluvial deposits), mass-wasting processes (colluvial deposits), or deposits resulting from glacial activities. These deposits of clay, silt, sand, gravel, and boulders are most common in inter-montane valleys where deposits may be thousands of feet thick. Unconsolidated water-bearing formations outside intermontane valleys are usually less than 100 feet thick. Coarse-grained, well-sorted deposits, typical of alluvial material transmit water at higher rates than fine-grained, poorly sorted deposits typical of colluvium or glacial deposits.

Rocks ranging in age from Precambrian to Tertiary (sedimentary, igneous, and metamorphic) form consolidated water-bearing units in Montana. In consolidated formations, water is stored and transmitted in voids within the original rock fabric (primary) and/or within fractures, fissures, joints, and cavities that formed during alteration of the original rock fabric (secondary). More water is usually stored and transmitted in the secondary form of voids.

Water occurrence and movement in consolidated water-bearing units are often difficult to determine or predict, owing to the random nature of fracturing, jointing, and so forth. Most bedrock systems transmit lower quantities of groundwater than unconsolidated systems; however, the rate of groundwater movement through bedrock can be fast relative to groundwater movement in unconsolidated systems.

Unconsolidated and consolidated groundwater systems are primarily recharged by influent streams, precipitation, and snowmelt. Discharge is primarily to wells, effluent streams, evapo-transpiration, and springs.

The quality of groundwater in Montana is dependent on the mineralogy of the host formation, age of water (relative to when it entered the subsurface), and proximity to contaminant sources. Groundwater in western Montana is generally of good quality because the mineralogy of both unconsolidated and consolidated formations in western Montana is relatively innocuous. Certain water-bearing systems in eastern Montana contain relatively poor quality water, owing to natural mineralization of the water-bearing formations. In many cases, groundwater in eastern Montana is unfit for human consumption, livestock watering, or irrigation due to high salt content.

Groundwater near its source of recharge is typically higher quality than groundwater distant from its source of recharge because groundwater leaches minerals from host formations as it migrates in the subsurface. In certain cases, groundwater quality is poor due to extraneous contaminant sources. Principal extraneous sources of groundwater contamination include septic tanks and drain fields, underground storage tanks, injection wells, miscellaneous spills and uncontrolled releases, abandoned hazardous waste sites, and agricultural activities. The extent and severity of groundwater contamination is dependent on the hydrogeologic setting and the type and volume of contaminants in the subsurface.

Soil

Soil development results from the interaction of climate, soil microorganisms, geologic parent material, and topographic features over time. Montana has a diversity of these soil-forming factors, particularly topographic, climatic, and parent material, resulting in over 700 soil types in the state (NRCS 1998).

Physiographic provinces are areas of similar topography, climate, and geology, which greatly influence soil development and vegetation. Montana is included in three physiographic provinces: the Great Plains, Central Rocky Mountain, and the Northern Rocky Mountain. Soil groups in Montana in the Great Plains Physiographic Province include glaciated plains, sedimentary bedrock plains and hills, low terraces, alluvial fans, and flood plains. The Central Rocky Mountain Physiographic Province includes the Beartooth Range and the Absaroka Range in the south central portion of the state. The Northern Rocky Mountain Physiographic Province includes mountains and low terraces, fans and floodplains, primarily west of the Continental Divide.

Great Plains Physiographic Province

Soils of the glaciated plains are found in the north/central and northeastern portions of the state (east of the Continental Divide and generally north of the Missouri River). Glacial till left behind by glaciers contains rock fragments which are indicative of the local bedrock from which it was derived. Common components of these soils are moderate to high water holding capacity, medium to fine soils textures with areas of wind-deposited soils high in silt and fine sand (Montagne et al. 1982).

Soils of the sedimentary bedrock plains and hills are located east of the Continental Divide and generally south of the Missouri River. General characteristics of the surface soils include soil textures that are primarily medium to moderately fine. Thin soils, and saline or alkaline soils are not uncommon. Soil moisture is limited, with 75 percent of the soils having low soil moisture during most of the summer. Soils are variable, but are generally well drained with medium runoff and moderate permeability (Montagne et al. 1982).

Low terraces, fans, and floodplains occur along major drainages in this region. These soils are highly variable, with surface layers ranging from deep to shallow, and textures from unconsolidated alluvium to deep, fine textured soils. Soils are generally well drained and some soils contain elevated levels of salts (Montagne et al. 1982).

Central Rocky Mountain Physiographic Province

Soils in the Beartooth Mountains are derived from metamorphic rock, while soils in the Absaroka Range are from volcanic rock. Extreme topographic variation and resulting climatic variation create a diversity of soils, some of which are unique to this area. High elevation glacial basins and windswept ridges have soils ranging from deep to shallow, as do the river valleys that drain the high elevation peaks. Soils in the Beartooth Mountains are generally coarse to medium grained, deep and well drained, with slow runoff and moderately rapid permeability. Soils of volcanic origin in the Absaroka Range are generally deep and well drained with medium runoff and moderate permeability (Veseth and Montagne 1980).

Northern Rocky Mountain Physiographic Province

This area encompasses the western portion of the state, primarily west of the Continental Divide. Soils are highly variable due to large differences in parent material, topography, and climate. Volcanic ash forms a layer of variable thickness over the western portion of the state and produces soils which vary considerably from that derived from underlaying rock. Saline and calcarious soils are present, primarily in southwestern Montana (Veseth and Montagne 1980).

Low terraces, fans, and floodplains have soils that vary greatly due to differences in parent material. Available water-holding capacity ranges from high to low, although soils are generally deep and well drained, with moderate to slow runoff and moderate permeability. Broad valleys along major drainages contain rich, productive soils (Montagne et al. 1982).

Vegetation

The characteristics of Montana□s three physio-graphic provinces have greatly influenced the development of vegetation communities in the state by providing a variety of habitats suitable for a diversity of plant species. Habitat variations have resulted in a broad range of vegetation communities, including alpine and tundra; dense, lush forest; prairie potholes; expansive grassland; arid short grass prairie; rolling shrublands; and diverse riparian corridors along lakes, rivers, and streams.

Habitat types are land areas of specific soils, topographic, and precipitation configurations which largely determine the plant species and resulting long-term plant associations or communities that grow within a habitat type. The higher the precipitation, the less influence soil has on the kind of vegetation that will grow on a specific site (Hansen 1998). There are over 605 range sites, 541 timber habitat types, and approximately 57 wetland and riparian habitat types in Montana (NRCS 1998, Hansen et al. 1995).

Riparian Areas and Wetlands

Riparian areas and wetlands make up a minor portion of the state (less than 5 percent), yet generally produce more biomass than other sites and are a critical source of biodiversity (Hansen et al. 1995). In the western, mountainous portion of Montana, riparian areas are commonly dominated by subalpine fir, spruce, Douglas-fir, black cottonwood, quaking aspen, a diversity of willow species, red-osier dogwood, sedge, and grass species.

East of the Continental Divide, the coniferous component along larger streams and rivers is generally absent. Along larger riparian corridors close to the Continental Divide (i.e., Great Falls), narrowleaf cottonwood dominates the overstory, with understory species dominated by red-osier dogwood, willow species, western snowberry, silver sagebrush, and shrubby cinquefoil, along with a variety of grass and sedge species. Further east, narrowleaf cottonwood is replaced by Great Plains cottonwood along the major river courses. Hardwood and coniferous draws are a fairly common riparian feature in the southeastern portion of the state. The hardwood draws are dominated by green ash, boxelder, and common chokecherry, while coniferous draws are dominated by ponderosa pine, common chokecherry, western serviceberry, and Oregon-grape (Hansen et al. 1995).

Alkaline and saline soils are not uncommon in southeastern Montana and are present intermittently in riparian areas across the state. These soils support distinct plant communities, generally dominated by silver sagebrush, greasewood, inland saltgrass, prairie cordgrass, and western wheatgrass (Montagne et al. 1982).

Upland Vegetation

Northwestern Montana is generally mountainous and has more precipitation than much of the rest of the state. Expansive forests dominated by subalpine fir, lodgepole pine, Douglas-fir, larch, grand fir, ponderosa pine, and aspen blanket this mountainous area. Broad river valleys and lake shores support populations of black cottonwood, paper birch, spruce, western red cedar, and western hemlock, with

understory species which include blue huckleberry, devils club, snowberry, twinflower, beargrass, and a variety of grass and forb species (Pfister et al. 1977).

The southwestern mountains are less timbered, with broad shrub and grassland valleys. Dominant tree species are lodgepole pine, subalpine fir, spruce, and Douglas-fir, with lesser amounts of limberpine, ponderosa pine, Rocky Mountain juniper, spruce, black cottonwood, and aspen (Pfister et al. 1977). Big sagebrush, Idaho fescue, rough fescue, and bluebunch wheatgrass dominate the open parklands and valleys (Mueggler and Stewart 1980).

The island mountain uplifts in the central and southern portions of the state, such as the Bears Paw, Big Snowy, Little Snowy, Moccasin, Big Horn, and Pryor mountains, are forested with lodgepole pine, ponderosa pine, Douglas-fir, and subalpine fir at higher elevations. Understory species include pinegrass, grouse whortleberry, heartleaf arnica, Columbia needlegrass, kinnickinnick, lupine, and Wood□s rose. Associated grasslands include Idaho fescue, little bluestem, prairie sandreed, Richardson□s needlegrass, and sticky geranium (Montagne et al. 1982).

The northern glaciated plains are rolling topography punctuated with prairie potholes left by glaciers. While much of the northeastern portion of the state is planted to crops, rangeland is still abundant. The vegetation is primarily grass and shrubs, with trees limited to island mountains and riparian zones. Grasslands are dominated by needle-and-thread, green needlegrass, prairie junegrass, western wheatgrass, silver sagebrush, blue grama, fringed sagewort, and little bluestem (Ross and Hunter 1976).

Eastern sedimentary plains are rolling topography with sandstone outcrops and ridges. Along the eastern reach of the Missouri River, the plains are heavily dissected into badlands. Upland ridges are populated with ponderosa pine and Rocky Mountain juniper, with Douglas-fir limited to north-facing slopes. The forest understory is composed of skunkbush sumac, western snowberry, common chokecherry, little bluestem, bluebunch wheat-grass, and sideoats grama. Grasslands are dominated by western wheatgrass, green needlegrass, little bluestem, big bluestem, blue grama, prairie sandreed, and bluebunch wheatgrass (Montagne et al. 1982). Upland areas of saline soils are not uncommon, and are dominated by greasewood, inland saltgrass, western wheatgrass, and alkali sacaton (Veseth and Montagne 1980).

Noxious Weeds

The Montana Department of Agriculture designates exceptionally invasive, persistent exotic plants as noxious weeds. Eighteen plants are listed as noxious weeds in Montana. Spotted knapweed and leafy spurge are the most problematic noxious weeds at this time due to their aerial extent, invasive nature, and persistence. Both species first appeared in the western part of the state and are rapidly spreading eastward. Leafy spurge is also migrating into the state from established populations in North Dakota and South Dakota. Noxious weeds spread along transpor-tation and power corridors, and via livestock, wildlife, logging and farm equipment, and recreational vehicles.

Plant Species of Special Concern

There are 346 vascular plant species, 111 moss taxa, and one lichen species of special concern in Montana (Heidel 1997). Of these species, two species are listed as threatened under the federal Endangered Species Act of 1973. Species listed as threatened are, water howellia *(Howellia aquatilis)* found in Lake and Missoula counties and ladies tresses *(Spiranthes diluvialis*) found in Jefferson and Madison counties. Montana Natural Heritage Program (MNHP) classifies 215 vascular plant species as critically imperiled in Montana due to extreme rarity or because of some factor of biology making the species especially vulnerable to extinction (Heidel 1997). Montana has no laws requiring special management of state or private land with sensitive species designated by the MNHP. The Bureau of Land Management (BLM) and the U.S. Forest Service (USFS) provide management criteria for species with agency specific, special designation on lands which they manage in Montana.

Game bird farms are typically part of an existing farm or ranch, or occur in areas where there has been some disturbance of native vegetation either by cultivation, livestock activity, or construction on or near the site. Game bird shooting preserves are typically located in cropland, conservation reserve program (CRP) land, rangeland, or riparian areas, or a combination of these vegetation types. Some areas are actively used for grazing or are subject to some cropping to augment food availability for game birds.

Sensitive plant species are often found in atypical locations, such as sites with unusual soil types, rock outcrops, cliffs, aquatic habitat, or other areas often of limited extent with specific habitat characteristics (Heidel 1998). Although game bird farms and shooting preserves are typically found in sites that are more or less disturbed, specialized habitat hospitable to threatened or sensitive plant species may be present within the proposed sites.

WILDLIFE AND FISHERIES RESOURCES

Montana encompasses a large area and contains a wide range of habitats and topography. This great variation provides habitat for over 650 vertebrate wildlife species. Almost 400 of these species are birds. The diversity of wildlife and natural habitats have made Montana famous for hunting and fishing. Game bird farms and shooting preserves represent a relatively new privatized approach to upland game bird hunting in Montana.

Game bird farms and shooting preserves are distributed across the state of Montana and are located in a variety of environmental settings. For the most part, game bird farms and shooting preserves are located in valley bottomlands that are relatively level and dominated by grasslands, grasslands converted to croplands, or cleared forested habitats. The following discussion of wildlife resources will be limited to species most likely to be associated with these habitats. Game bird farms and shooting preserves are not likely to affect aquatic environments, therefore, fisheries resources will not be discussed.

Three big game species are likely to overlap in distribution with game bird farms and shooting preserves (white-tailed deer, mule deer, and pronghorn antelope). Mule deer and white-tailed deer are widely distributed in Montana. Mule deer are generally associated with mountainous terrain or river breaks habitat, but also occur in forested riparian habitat and rolling prairies. White-tailed deer are generally associated with riparian forests, but in western Montana also use low elevation, coniferous forests. Both mule deer and white-tailed deer are frequently seen in areas with a mixture of alfalfa, small grain crops, and natural habitats. Pronghorn are associated with extensive areas of sagebrush-grasslands and were once found both east and west of the Continental Divide. Pronghorn are tolerant of moderate agri-cultural conversion of grasslands, but are rarely abundant in areas with extensive small grain crops.

Elk tend to use areas with considerably more conifer cover than is common on shooting pre-serves and tend not to frequent areas with sig-nificant human activity. Moose occur in Montana with limited distribution and are restricted to den-sely forested riparian areas and coniferous forest habitat. Other big game species have limited distribution and occur in habitats not usually found on game bird farms or shooting preserves.

Predation of pen-reared birds is a constant threat. Released birds, protected from predators while in captivity, are not accustomed to predators and, as a result, may suffer higher predation rates than wild game birds (Leif 1994). Striped skunk, coyote, and red fox are the three primary mammalian predators frequenting habitats in which game bird farms may be located or where pheasants may be released on shooting preserves. Raccoon, now widespread in Montana and associated with lowland riparian habitats, also are a potential threat as a predator to game bird farm birds. Raptors which may also prey upon pen-reared birds after release include great horned owl, prairie falcon, golden eagle, goshawk, and northern harrier.

Upland game bird species found in areas used for game bird farms and shooting preserves include three native grouse species (sharp-tailed grouse, ruffed grouse, and sage grouse) and four introduced game bird species (ring-necked pheasant, Hungarian partridge, chukar, and wild turkey). Sharp-tailed grouse were formerly distri-buted throughout Montana, but the Columbian subspecies (found west of the

Continental Divide) is now only found in the Tobacco Valley near Eureka (Brown 1971) and possibly the Blackfoot Valley. Sharp-tailed grouse also have declined in southwestern Montana, but elsewhere in Montana sharp-tailed grouse are relatively common. Sharp-tailed grouse are associated with ungrazed to moderately grazed grasslands interspersed with brushy draws or scattered ponderosa pine forests. Sharp-tailed grouse may persist in these habitat settings with limited agricultural land conversion and livestock grazing. Sharp-tailed grouse have communal breeding areas called leks. Most nesting activity occurs within 1 mile of a lek (Kobriger 1965). In recent years, annual harvest of sharp-tailed grouse has fluctuated from about 30,000 birds to 90,000 birds, with the record harvest of 140,585 occurring in 1966 (Brown 1971).

Sage grouse are associated with extensive areas of sagebrush-grasslands. Big sagebrush is an important component of the winter diet of sage grouse and there is local migration into areas of dense sagebrush during winter. Sage grouse are not tolerant of agricultural conversion of sagebrush-grasslands or of sagebrush control. Sage grouse also use leks for communal breeding areas. Since about 1980, the harvest of sage grouse has declined from 40,000 birds to 8,000 birds annually. The record harvest of sage grouse was in 1964, when nearly 100,000 birds were taken (Martin and Pyrah 1971, MFWP 1991).

Ruffed grouse are associated with dense cover in aspen riparian areas in the mountain foothills of western and central Montana. Ruffed grouse also use low elevation coniferous forest. Ruffed grouse perform solitary displays in spring, and males generally remain year-long within a 0.5-mile radius of their display site (Mussehl et al. 1971). In recent years, annual harvest of ruffed grouse has decreased from about 40,000 to 20,000 birds, but as many as 85,642 were taken in 1962 (Mussehl et al. 1971, MFWP 1991).

Other native grouse species in Montana include blue grouse, spruce grouse, and white-tailed ptarmigan. Blue grouse and spruce grouse are associated with mountainous coniferous habitats in western and central Montana. Blue grouse are seasonally migratory, occupying high elevation forests during fall and winter, and moving to low elevation forests during spring courtship and sum-mer brood rearing. White-tailed ptarmigan occur in Montana with only limited distribution in alpine tundra in Montana's northern mountain ranges. Annual harvest of spruce and blue grouse has declined for several years, decreasing from about 45,000 birds (combined harvest) to about 20,000 birds. In 1979, however, over 110,000 birds were harvested (Mussehl et al. 1971, MFWP 1991).

Four introduced upland game bird species, now naturalized in various areas of Montana, include the ringed-necked pheasant, Hungarian partridge, chukar, and wild turkey. Ringed-necked pheasant are the most abundant and widespread of these birds, introduced into Montana prior to 1895 (Weigand and Janson 1976). Ringed-necked pheasants are now distributed throughout Montana, both east and west of the Continental Divide. Montana's pheasant population arises from numerous introductions and reintroductions by private landowners and MFWP. Between 1929 and 1983, MFWP operated from one to three pheasant farms, but discontinued pheasant stocking because only about 15 percent of the stocked pheasants were harvested, making the cost per harvested bird unacceptably high (Weigand and Janson 1976).

Ringed-necked pheasant are associated with agri-cultural areas supporting a mixture of cereal grains, alfalfa, grass hay, native grasslands, brush, tree cover, and wetland vegetation. Pheasants feed primarily on grain, but consume a variety of other plant and animal matter. There have been reports of localized crop damage by pheasants in areas of high population densities (Weigand and Janson 1976). Pheasants are a solitary territorial breeder, with males attracting females into their territory by calling and displays. Hen pheasants are prolific egg layers, laying eggs at random on the ground, in nests of other gallinaceous birds and waterfowl, and in nests of other hen pheasants (Weigand and Janson 1976). Pheasants are also persistent renesters. The incubation period of pheasant eggs is 23 days which is two days less than for sharp-tailed grouse and prairie chickens. The pheasant is among Montana's most popular game bird and annual harvest has increased from about 50,000 birds to 150,000 birds in recent years. The peak annual pheasant harvest of 392,630 birds occurred in 1954 (Janson et al. 1971).

Hungarian partridge, or gray partridge, were officially introduced into Montana between 1922 and 1926, although a specimen of this species was collected near Plains in 1915 (Trueblood and Weigand 1971). Hungarian partridge are associ-ated with grasslands and small grain crops and are primarily found in agricultural areas of Montana east of the Continental Divide, where Hungarian partridge are considered abundant in north-central and northeastern counties. Hungarian partridge are also found in low numbers in western valleys. The Hungarian partridge harvest has fluctuated around 50,000 birds for the past several years, with a peak harvest of 164,000 birds in 1963 (Trueblood and Weigand 1971, MFWP 1991).

Chukar, associated with arid rocky shrublands, were introduced into Montana with limited success. Chukars, due to their habitat specificity, have not been a significant segment of the Montana upland game bird harvest. Annual harvest has fluctuated around 1,000 birds in recent years (Whitney 1971, MFWP 1991). Bobwhite quail are released annually in Montana for dog training, but are not considered a resident species due to unsuccessful winter survival rates (MFWP 1991).

Wild turkey were introduced into Montana; how-ever, unlike other introduced upland game birds, turkeys are native to North America. Four sub-species of turkeys are recognized in the United States -- eastern, Florida, Merriam's, and Rio Grande turkeys. The Merriam's sub-species is native to the southwestern United States and was first introduced into Montana by MFWP near Lewistown in 1954 (Greene and Ellis 1971). Three other releases were made between 1955 and 1957. All subsequent releases of wild turkeys by MFWP were wild-caught birds from existing Montana populations. The eastern sub-species were privately introduced in some areas. Wild and domestic hybrids also may be present in Montana (Herbert 1998). Wild turkey in Montana are associated with forested riparian habitats and open ponderosa pine forests with hardwood draws. A key aspect of winter survival in Montana is a source of supplemental food which may be obtained from grain fields adjacent to riparian forests or where cattle are fed during the winter. The annual harvest of turkeys in Montana has been increasing steadily since introduction. Over 4,000 birds are shot annually (Greene and Ellis 1971, MFWP 1991).

Other bird species classified as upland game birds in Montana are mourning dove and common snipe. However, these two species vary significantly in life form and life history from other upland game bird species and, therefore, are not addressed in this document.

Diseases

Most diseases of pen-raised birds are associated with crowding and unsanitary conditions. For example, a pheasant farm operated by MFWP in Glasgow had a botulism outbreak in 1960 that killed 10,000 birds and had to be closed because of infected soil (Weigand and Janson 1976). Raising of upland game birds, however, can potentially result in conditions that could promote the spread of contagious diseases to wild birds and the spread of diseases through insect vectors.

Table 3-1 lists some of the important upland game bird diseases. Some diseases, such as aspergillosis, have the potential to infect a wide variety of bird species, while others, such as blackhead disease, appear to be restricted to a single species or one group of birds, primarily

TABLEable 3-1
Important Game Bird Diseases

Disease	Responsible Agent	Game Birds Affected	Diagnostic Test for NPIP*
Aspergillosis	Bacteria	All	No
Avian influenza	Virus	All	No
Avian pox	Virus	All	No
Avian tuberculosis	Bacteria	All	No
Blackhead	Protozoan	Turkey	No

Botulism	Bacteria	All	No
Coccidiosis	Protozoan	All	No
Cryptosporidiosis	Protozoan	Quail	No
Equine encephalitis	Virus	All	No
Fowl cholera	Bacteria	All	No
Fowl typhoid	Bacteria	All	Yes
Mycoplasmosis	Bacteria	All	Yes
Newcastle	Virus	All	No
Pullorum	Bacteria	All	Yes

* NPIP = National Poultry Improvement Plan

turkeys (Schwartz 1995). Disease outbreaks in the wild are often difficult to detect or document unless there is a dramatic epidemic among a concentrated bird flock.

USDA operates NPIP, a disease certification program for commercial hatcheries that has been effective in reducing the incident of fowl typhoid and pullorum among domestic fowl. At present, game bird farms in Montana are not required to be NPIP certified, nor are game birds released into the wild required to be NPIP certified or otherwise tested for typhoid and pullorum. However, game birds imported into Montana must be from an NPIP-certified hatchery or otherwise tested.

Game Bird Stocking

Non-native game birds have been stocked in Montana and most other states throughout the twentieth century. Several studies have investigated harvest, movement, survival, and reproduction of stocked pheasants. Stocked pheasants tend to have low survival (3 percent annual survival), low dispersal potential (90 percent move less than 1 mile), and a harvest rate inversely correlated to time since release (Weigand and Janson 1976). Approximately 10 hatchery hen pheasants released in the spring of 1 year are necessary to equal the reproductive effort of 1 wild hen pheasant in the following year (Leif 1994). Annual survival of wild hen pheasants is about 30 percent compared with 3 percent for stocked hen pheasants (Leif 1994). A considerable body of data shows that very few stocked pheasants survive through their second year (Weigand and Janson 1976).

The shorter the time interval between release and hunting of pheasants, the greater the harvest of released birds. Data collected by MFWP from the 1940s through the 1970s show approximately a 15 percent harvest rate for pheasants released in late summer and less than 1 percent of stocked pheasants are harvested the following year (Weigand and Janson 1976). The highest take of hatchery pheasants comes when birds are released only hours or even minutes before a hunt, with harvest in such cases approaching 100 percent (Weigand and Janson 1976).

Studies have also shown that the harvest of hatchery raised pheasants is highest (50% and higher) when the birds are released just prior to or during the hunting season. Younger birds (9-14 weeks old) released one to three months before the hunting season were harvested at substantially lower rates (13-24%) (MacNamara and Kozicky 1949, Harper et al. 1951, Weigand 1976). This differential survival rate may be a function of older birds surviving better and less time for dispersal to occur.

Harvest rates of wild pheasants on shooting preserves in Montana are not officially recorded. Data, however, are available from South Dakota shooting preserves and from MFWP during years that the State stocked pheasants to provide an estimate of the number of wild pheasants harvested on game bird shooting preserves. This information shows that the percentage of wild birds in the harvest varies with the quality of natural habitat, time since released to hunting, and size of the shooting preserve (Weigand and Janson 1976, Thompson 1998). The incidence of wild birds in the harvest is low if the shooting preserve is located in poor pheasant habitat, birds are released immediately before the hunt, and the shooting preserve is large (Thompson 1998). In such situations, wild pheasants generally account for less than 20 percent of the harvest (Thompson 1998). Small shooting preserves located in good pheasant habitat may result in a consistent high harvest of wild pheasants, accounting for more than 50 percent of the harvest (Thompson 1998, Remmington 1998).

Interspecies Competition and Hybridization

As early as the 1930s, it was recognized that introduced pheasants potentially competed with native grouse (Bennett 1936, Sharp 1957). It has only been in recent years that some of the mechanisms of competition between pheasants and native grouse have been investigated. Hen pheasants are known to lay eggs in the nests of the greater and lesser prairie chickens (nest parasitism). Pheasants hatch two days ahead of prairie chickens, and prairie chickens can raise one or more pheasant chicks (Shackford *et al.* in press). These pheasants become imprinted on prairie chickens and are introduced to traditional leks. Cock pheasants are larger and more aggressive than prairie chicken cocks, and may drive off or even kill prairie chicken cocks (Shackford *et al.* in press, Westemeier et al. 1998). Pheasants also may interbreed with prairie chickens (Shackford *et al.* in press). This relationship has not been documented with sharp-tailed grouse, but there is potential for similar interactions since prairie chickens and sharp-tailed grouse are sibling species.

Pheasant introductions have been linked to declines in black grouse in Europe, Hungarian partridge in Europe and the United States, and prairie chickens in Wisconsin, Illinois, Michigan, Nebraska, and Oklahoma (Westemeier et al. 1998, Shackford in press). The prairie chicken is a closely related species to the sharp-tailed grouse, and the pheasant is a known nest parasite of gallinaceous birds and waterfowl. In Montana, sharp-tailed grouse and pheasant habitat does overlap in some areas in some years providing at least some opportunity of interaction between these species. However, the few detailed sharp-tailed grouse studies conducted in Montana have been on large blocks of native habitat with little opportunity to investigate interactions between sharp-tailed grouse and pheasants. The lack of documentation does not preclude the possibility that pheasants can impact sharp-tailed grouse populations through mechanisms identified with prairie chickens or direct competition for food and cover.

The annual release of a large number of pheasants in a small localized area also may result in competition for food and cover between wild grouse and hatchery pheasants. Wild grouse are subject to natural regulation by climatic events, habitat conditions, food availability, and predation and disease. Population numbers fluctuate year-to-year based on the interaction of these factors. Hatchery pheasants, however, are not subjected to these variable environmental factors. Release of pheasants during a year of poor seed production or minimal hiding cover may result in competition for food or cover with native grouse (Weigand and Janson 1976).

Chukar and Hungarian partridge are not as aggressive as ring-necked pheasant and inter-species competition associated with these birds has not been documented like it has for pheasant.

Predation

Release of large numbers of pen-reared birds into localized areas may increase predator numbers in the area. Several studies have documented high predation rates on pen-reared birds but none have attempted to study changes in predation rates on wild birds due to release of pen-raised birds in an area.

However, predator concentrations in release areas is considered a problem by several gamebird biologists (Weigand and Janson 1976; Remmington 1998; Thompson 1998).

Genetic Dilution and Natural Selection

Naturalized pheasants in Montana represent the product of multiple releases and many years of natural selection to produce birds capable of surviving in the wild. Hatchery pheasant breeding stock represents many years of artificial selection for birds that survive and reproduce well in penned situations. Differences between natural and artificial selective processes can be seen in differential survival and reproduction of wild and hatchery reared birds (Leif et al. 1994). There is concern that the consistent release of hatchery pheasants into an area with wild naturalized pheasants would result in genetic dilution of wild pheasants over a period of years, resulting in a pheasant population less adapted to the natural habitats and climate of a specific area and being expressed as lower pheasant numbers (Weigand and Janson 1976).

Genetic dilution has not been documented by research but has hypothesized by several western wildlife management agencies that have observed a decline in local wild pheasant populations with the repeated introduction of hatchery pheasants (Weigand and Janson 1976, Thompson 1998, and Remmington 1998. However, one study in Michigan (Niewoonder 1998) found that the release of Sichuan pheasants resulted in a more productive bird when hybridized with wild ring-necked pheasants. However, the authors of this study cautioned that the F_1 generation could easily have been less productive than wild pheasants since the Sichuan pheasant reproduced poorly in the wild. Selection in pen-reared birds is for individuals that can cope with crowding and can tolerate confinement. Animals bred in captivity for 20 generations or more can lose much of their innate ability to survive in the wild. This is well documented by the Leif et al. (1998) paper where survival of wild bird was 10 times greater than pen-reared birds. Differential survival of pen-reared birds and wild birds has been repeatedly documented in several studies (see Weigand and Janson 1976 for a review of this issue). Genetic dilution has been hypothesized because wild pheasant populations have declined in several areas when pen-reared birds are released (Weigand and Janson 1976, Thompson 1998, Remmington 1998.

Pheasants that survive and reproduce at game farms are subjected to different selective processes than wild birds. Studies have shown that wild animals held in captivity for as little as ten generations have reduced brain dopamine levels (Marliave et al. 1993), and that selection for tame animals with tolerance for humans results in a breed line with increased serotonin (Popova et al. 1991). These subtle biochemical changes are a result of artificial selection and lead to animals with reduced aggression and activity levels.

THREATENED AND ENDANGERED SPECIES

Eight Federally listed threatened or endangered terrestrial wildlife species occur in Montana (**Table 3-2**). No Federally listed gallinaceous birds occur in Montana. Because the operation of game bird farms and shooting preserves are not anticipated to affect threatened and endangered species, these species are not discussed further in this document.

RECREATION

Montana is recognized throughout the United States as a prime fishing and hunting destination, primarily because of the abundance and diversity of fish and game species that can legally be taken. In Montana, big game hunters can pursue white-tailed and mule deer, elk, pronghorn, moose, black bear, mountain goat, big horn sheep, and mountain lion. Upland bird hunters can take sharp-tailed grouse, blue grouse, spruce grouse, sage grouse, ruffed grouse, quail, ring-necked pheasant, Hungarian partridge, chukar partridge, and turkey. Migratory bird hunters can harvest

TABLE 3-2
Federally Listed Threatened and Endangered Terrestrial Species in Montana

Species	Status
Grizzly bear	Threatened
Gray wolf	Endangered
Black-footed ferret	Endangered
Canada lynx	Threatened
Bald eagle	Threatened
Whooping crane	Endangered
Piping plover	Threatened
Interior least tern	Endangered

over 10 wild duck species, 4 species of geese, swans, cranes, snipe, and mourning doves. Resident hunters can also legally take small game such as rabbits, gophers, and raccoons as well as predators like coyotes and fox. Non-resident hunters are not required to obtain a trapping permit to take non-game species. Anglers can take 5 species of trout, mackinaw, salmon, grayling, whitefish, walleye pike, perch, northern pike, pickerel, muskie, bass, paddlefish, sturgeon, ling, panfish, catfish, and others.

The sale of conservation licenses increased slightly during the period 1987 to 1996; however; the number of resident conservation licenses sold during this same period decreased by about 7 percent. Approximately 283,000 resident conservation licenses were sold during 1987, while approximately 263,000 were sold during 1996. Non-resident conservation license sales increased about 23 percent throughout the same period. Approximately 150,000 non-resident licenses were sold during 1986, while approximately 185,000 were sold during 1996.

Overall, the popularity of upland game bird hunting in Montana has risen over the course of the previous 10 years, primarily due to an increase in non-resident bird hunters. The number of days upland bird hunters spend afield has also increased. During 1993, upland bird hunters spent 191,828 days afield compared to 226,182 days afield during 1995, an increase of approximately 18 percent.

Based on a survey conducted by MFWP (1992), the most important reasons provided by hunters for hunting birds included being outdoors, being in

natural setting, and for the solitude. Less hunters pursued upland game birds to learn about birds, test their hunting skills, or for the meat. When bird hunters were asked why they choose a specific hunting area, the most important reasons given were an abundance of birds, few hunters, familiarity of the area, to hunt with family and friends, variety of birds, and good public access. Least important reasons why hunters hunt where they do included the availability of commercial services, availability of facilities, and proximity to home.

NOISE

Residents have complained about noise generated by shotgun fire at shooting preserves (MFWP files). Noise generated by a 12-gauge shotgun at a distance of 1,000 feet ranges from approximately 68 to 81 dBA (A-weighted Sound Exposure Level), depending on the orientation relative to the muzzle (Pater et al. 1996). **Table 3-3** shows typical noise levels generated by 12-gauge shotguns at various distances and orientations from the muzzle. For comparison, **Table 3-4** lists noises frequently experienced in daily activities.

Few studies have addressed the direct impacts of noise on livestock or wildlife. A study of the effects of human disturbance on bald eagles. Noise was one of the least disturbing of 9 dependent and 3 independent variables studied. In order of impact to eagles, the distance of the noise was most important

and the degree of disturbance was inverse to the distance (the closer the noise, the more effect it had), followed in order of decreasing impact by duration of the disturbance, number of

TABLE 3-3
Average Sound Level from 12-Gauge Shotgun

Distance from Muzzle	ORIENTATION RELATIVE TO MUZZLE		
	Front	Side	Rear
1 yard	130.7 dBA	120.9 dBA	117.8 dBA
100 feet	101.0 dBA	101.0 dBA	88.1 dBA
1,000 feet	81.0 dBA	71.2 dBA	68.1 dBA

dBA = A-weighted decibel sound scale.
Source: Pater et al. 1996.

TABLE 3-4
Relative Scale of Various Noise Sources and Effect on People

Noise Level (dBA)[1]	Common Indoor Noise Levels	Common Outdoor Noise Levels	Reference Level	Public Reaction
110	Rock band			
105		Jet flyover @ 1000 ft.		
100	Inside New York subway train			
95		Gas lawn mower @ 3 ft.		
90	Food blender @ 3 ft.		4X as loud	Letters of Protest
80	Garbage disposal @ 3 ft., Shouting @ 3 ft.	Noisy urban daytime	2X as loud	Complaints likely
70	Vacuum cleaner @ 10 ft.	Gas lawn mower @ 100 ft.	Reference	Complaints possible
65	Normal speech @ 3 ft.	Commercial area, heavy traffic @ 300 ft.		
60	Large business office		1/2 as loud	Complaints rare
50	Dishwasher in next room	Quiet urban daytime	1/4 as loud	Acceptance
40	Small theater, large conference room	Quiet urban nighttime		
35		Quiet suburban nighttime		
33	Library			
28	Bedroom @ night			
25	Concert hall (background)	Quiet rural nighttime		
15	Broadcast and recording studio			
5	Threshold of hearing			

[1] dBA = A-weighted decibel sound scale.
Source: Hatano 1980.

events, position of the sound in relation to the eagle, and the type of sound (Grub and King 1991).

A study conducted by the Idaho Game and Fish Department concluded that human harassment and simulated noise generated by mining activity caused elk to abandon traditional calving areas. Some cow/calf pairs moved several miles in response to disturbance, often into sub-optimal habitat (Kuck et al. 1985).

ACCESS AND LAND USE

Little space is typically needed for a game bird farm, therefore, game bird farms are not addressed relative to access and land use in this PEIS. Access to the general public for hunting is available on approximately 56.7 million acres, or 60 percent of land in the state (MFWP 1998a). This includes 4 to 6 million private acres enrolled in cooperative agreements with MFWP, such as Block Management agreements and upland gamebird enhancement projects. From 1995 to 1996, acreage of Block Management agreements increased from 3.9 to 5.8 million when MFWP adopted rules implementing the

Hunter Enhancement Program. The Hunter Enhance-ment Program is designed to gain free public access to private land by paying incentives to landowners enrolled in Block Management agreements. The Hunter Enhancement Program is funded by revenue generated through sales of some non-resident big game combination and deer licenses.

Landowners sometimes close large blocks of private land to public access for financial gain through fee hunting, preservation of game for their personal use, or avoidance of adverse impacts caused by public use, such as open gates, noxious weeds, and crop damage. An estimated 27.7 million acres, or 47 percent of all private land is currently closed to public access in Montana (Irby et al. 1997).

Approximately 12 percent of ranches that vary in size from 1,000 to 10,000 acres charge fees for public use (MFWP 1998a). Some of these ranches also offer guide and outfitting services along with access to the land. Fee hunting occurs on about 8 percent of private farms and ranches where some form of hunting is allowed.

As of July, 2001, there were approximately 100 shooting preserves licensed in Montana. Assuming that the average size of shooting preserves is 560 acres (Wildlife Harvest 1996), then shooting preserves currently occupy approximately 53,200 acres of private land in Montana. This equates to approxi-mately 0.05 percent of the total acreage in Montana and less than 0.1 percent of private land in Montana.

SOCIOECONOMIC CONDITIONS

Population and Demographics

Montana was the 15th slowest growing state in the nation during the 1980s; however, with an improved economy during the 1990-96 period, the population increased and it became the 14th fastest growing state. The population of the state grew by 10 percent (80,307 people) during this 6-year period, with two-thirds of the growth attribu-table to in-migration and one-third due to natural change (births minus deaths). The majority of the in-migrants settled in the western and south-western portions of the state, while the eastern part of the state, with already a large number of counties and small populations, declined in population (vonReichert and Sylvester 1997).

In 1997, the estimated state population was 878,810. Yellowstone County was the highest populated county with 125,771 people, while Petroleum County was the lowest populated county with 518 people (Montana Department of Commerce, Census and Economic Information Center 1998). Yellowstone County's population is concentrated in Billings, the largest city and trade center in the state. The state population is projected to continue its upward trend, growing about 2 percent a year until reaching 1,015,000 persons by year 2010 (Polzin 1998).

As the "baby boom" generation ages, the 45-to-64 year old age group in Montana is becoming much larger. In 1980, the median age of Montanans was 29.0 years, increasing to 33.8 years in 1990, and 36.5 years in 1996. The educational attainment level of Montanans, 25 years old and older, also is rising. In 1980, 74.4 percent had a high school education, climbing to 81.0 percent in 1990 (Mon-tana Department of Labor and Industry 1997a).

American Indians make up approximately 6 percent of the state's population. The 10 federally recognized tribes represented on the reservations are: Blackfeet Reservation (Blackfeet Tribe); Crow Reservation (Crow Tribe); Flathead Reservation (Salish and Kootenai tribes); Fort Belknap Reservation (Gros Ventre and Assinboine tribes); Fort Peck Reservation (Assinboine and Sioux tribes); Northern Cheyenne Reservation (Northern Cheyenne Tribe); and Rocky Boy's Reservation (Chippewa and Cree tribes). Although not yet federally recognized and without a reservation, the Little Shell Tribe, also referred to as the Landless Indians, is one of the largest tribes in the state (Bryan Jr. 1985).

A 1990 survey of upland game bird hunters conducted by the Montana Department of Fish, Wildlife and Parks (1992) found significant differences between socioeconomic character-istics of resident and non-resident hunters. Non-resident hunters are generally older than resident hunters, non-residents have hunted upland game birds longer than their resident counterparts, average incomes of non-resident

hunters are significantly higher than resident hunters ($54,600 and $37,800, respectively), and non-resident hunters belong to hunting/conservation organiz-ations more often than resident hunters.

Employment and Income

Agriculture remains an important basic industry in Montana, generating approximately $2 billion in cash receipts and government payments in 1996, an increase of about 9 percent over 1995 cash receipts. In 1996, cattle prices fell to the lowest received over the last 43 years; however, in 1997, prices began to rebound and are expected to increase over the next few years (Baquet 1998).

Montana's wildlife significantly contributes to the state's economic well-being. In 1990, hunting gen-erated an estimated $310 million in hunter-related retail sales, supported 4,100 jobs, provided $71 million in personal income, and produced $18 million in tax revenues. Trip-related expenses spent by hunters during the estimated 2.26 million hunting days they spent afield hunting big game, waterfowl, and upland game birds amounted to $193 million in 1995 (Montana Department of Fish, Wildlife and Parks 1998a).

In 1996, the services sector was the largest employer in Montana, employing 28.0 percent of the state's workers, followed by retail trade (22.9 percent) and government (19.0 percent). Although the mining industry had the lowest average annual employment in the state (1.2 percent), the average annual wage of $41,565 was the highest wage among Montana's major industries. The retail trade sector was second in average annual employment, but paid the lowest average annual wage of $12,382 (Montana Department of Labor and Industry 1997b).

Eighty-four percent of the occupations in Montana have an average hourly wage below the national norm. In 1997, the average hourly wage in Montana was $10.96, or $1.30 an hour less than the national average. Occupations that pay the best wage are associated with natural resource industries (mining, oil and gas, and logging), whereas jobs in radio, television, journalism, and teaching are at the bottom of the scale when compared with the national average (The Independent Record 1998).

The annual average state unemployment rate for 1997 was 5.4 percent, slightly lower than the 1995 average rate of 5.9 percent. In 1997, Glacier County experienced the highest unemployment rate (13.8 percent) among the state's 56 counties, while Daniels County had the lowest rate of 1.7 percent (Montana Department of Labor and Industry 1998).
Per capita personal income in Montana was $19,278 in 1996, about 20 percent lower than the national average of $24,436. Petroleum County had the lowest per capita personal income ($9,766) and Toole County had the highest ($22,825) in 1996 (U.S. Department of Commerce 1998).

Community Services

Community services (such as fire protection, law enforcement, public water supply, wastewater treatment, and solid waste) in cities throughout the state are provided by county, city, or combination county/city governments. In smaller communities, volunteers oftentimes staff local fire departments, ambulance services, and quick response units. In the more rural areas of Montana, where public water supply and sewage disposal services are not available, individual wells and septic tank systems are used.

Public education for pre-kindergarten through grade 12 is provided through approximately 348 public school districts under the auspices of the Montana Office of Public Instruction (Montana Office of Public Instruction 1998). Elementary school enrollment (pre-kindergarten through grade 8 including ungraded) for the 1997-98 school year was 111,839 and high school enrollment (grades 9 through 12 including ungraded) was 50,325 (Love 1998).

A variety of health care services are available throughout the state; however, some rural communities are at least 100 miles from the nearest medical center which may be in a neighboring state. Attracting and keeping physicians is a challenge for many rural Montana towns. In 1998, there were 48 licensed hospitals in the state.

Government and Public Finance

The Montana State Legislature, for the most part, controls what services the state's 56 counties can provide and regulates the amount of money spent on these services and the manner in which the money can be procured. County government income comes from a variety of sources, such as taxes and assessments, licenses and permits, intergovernmental transfers, charges for services, fines forfeitures, and investment earnings. The primary revenue producer for the counties is local property taxes (Montana Association of Counties 1990).
Property taxes are assessed depending on the use of the land. Parcels of land with 160 acres or more are classified as agricultural land and have the lowest appraisal value (Reese 1998). The majority of game bird farms and shooting preserves in Montana would most likely have an agricultural status with respect to property taxation.

Upland game bird farms and shooting preserves may be assessed a per capita tax, similar to a poultry farm, based on the number of birds on the game bird farm or shooting preserve. Game bird farm and shooting preserve owners could be assessed $.02 per bird, or a minimum fee of $5.00 (Ferguson 1998).

Housing

The predominant type of housing in 1990 was single-family detached units, which comprised 65.8 percent of the Montana's 361,155 total housing units. Multi-family units represented the second largest type of housing at 15.7 percent, while mobile homes comprised 15 percent of the total housing units. Type of housing varies around the state. In rural Montana, for instance, there is a higher concentration of single-family units and mobiles homes than in the major cities (Montana Department of Commerce, Local Government Assistance Division, 1993).

Social Well-being

In general, Montanans are either multi-generational descendants of pioneers or people who visited the area, liked it, and stayed. To make a living in the state, residents often must be very creative and accept lower wages than in other parts of the country, perhaps reflecting a quality-of-life premium people are willing to pay to live in Montana.

Cultural diversity and traditions of Montana reflects the melding of many nations. Although American Indians make up the largest minority group within the state, small pockets of ethnic groups such as Germans, Greeks, Finnish, Hispanics, Serbians, Croatians, French, Dutch, Italians, Irish, Yugoslavians, and Asians also are evident throughout the state. Some of the groups speak their native language with regularity and celebrate their heritage through events such as Pow-wows (American Indian spiritual gathering to share, honor, and preserve a rich heritage through dancing, singing, and visiting friends and relatives), El Cinco de Mayo (May 5th Hispanic celebration of the 1862 defeat of the French army by Mexicans), and Badnjak (Serbian Christmas Eve on January 6th when Serbians gather for the ceremonial burning of the Yule log) (Tirrell 1988).
Also evident in Montana are Hutterites, who established their first Montana colony in 1937 near Lewistown. The Hutterites are a Mennonite sect whom are firm in their belief of adult baptism, communal living, and their conviction to not bear arms or become involved in prevailing socioeconomic institutions (Tirrell 1991).

Quality-of-life in Montana is characterized by a strong "sense of community" which is strengthened by residents' rural lifestyles. Many Montanans volunteer their time to numerous charitable, civic, and recreational groups and demonstrate their community cooperation through their efforts to expand the local economic base, develop youth recreational facilities, organize help for local families who have suffered hardships, and support of major community events. Montanans value their space and the outdoor recreational opportunities that the natural environment and its resources provide, such as hunting, fishing, hiking, skiing, river floating, boating, snowmobiling, photographing, picnicking, wood gathering, wildlife and landscape viewing, and wild berry picking.

Out-of-state residents relocating to rural communities of Montana may bring with them environmental values supported at the national level, likely creating more land use conflicts and polarization among people with differing interests in public land and recreational activities. Conflicts may arise on topics such as wilderness versus mineral development, grazing versus riparian restoration, timber harvest versus wildlife habitat, hiking versus all-terrain vehicles, and consumptive versus non-consumptive visitors (Favinger and Trent 1993).

Upland Game Bird Farms and Shooting Preserves

Nationwide, upland game bird shooting preserves are increasing in numbers and schools are emerging to provide instruction for professional shooting preserve managers in disciplines ranging from game bird propagation and wildlife management to human relations and the principles of marketing (Black's Wing & Clay 1994).

Shooting preserves offer extended hunting seasons, larger bag limits, and usually limit the daily number of hunters on the preserve. Preserves are open to the general public or hunters with private memberships, and include amenities such as trained hunting dogs, airport pickup, home-cooked meals, clubhouse, lodging, sporting clays, and game bird processing (Black's Wing & Clay 1996).

Upland game bird farms and shooting preserves throughout Montana are generally small operations with few employees outside of family members (Zackheim 1998). Approximately 10 years ago, there were 8 shooting preserves operating in Montana and, by 1995, the number of licensed shooting preserves had increased to 53, averaging 560 acres each (Wildlife Harvest 1996). Since 1995, the number of shooting preserves has risen to 100, a 90 percent increase over the number operating in 1995. Private shooting preserves range in size from 160 acres to 1,280 acres (Montana Department of Fish, Wildlife and Parks 1998a).

Game bird farm licenses are currently issued to an applicant after a review of the application by regional enforcement and wildlife personnel. An environmental assessment is completed and a final site visit is made by a game warden to ensure that all regulations, including fencing requirements, are met prior to licensure. Time and expense to process an application varies depending primarily on the distance of the site from the warden’s residence.

Shooting preserve licenses are also issued after review of the application by regional enforcement and wildlife personnel. A site visit by a game war-den is conducted, an environmental assessment checklist is completed, letters are sent to neighbors to inquire about potential problems they may have with a shooting preserve, a short (3-4 page) environmental assessment is made, and the permit is again reviewed by enforcement and wildlife personnel. Time to complete one application at the regional level takes approximately six to ten hours of staff time.

MFWP revenues derived from licensing shooting preserves vary according to the size of the pre-serve (i.e., $50.00 for the first 160 acres plus $20 per 160 acres thereafter). The maximum acreage allowed by law for an upland game bird shooting preserve is 1,280 acres, or a maximum of $190.00 for licensing. Revenues to MFWP in 2000 from shooting preserves were $11,490 (Feldner 2000).

During the 1997-98, seven-month period that shooting preserves were in operation, an estimated 1,987 hunter days were logged at the 41 shooting preserves throughout Montana. At that rate of use, approximately 4000 hunter days could be expected to be logged at the 95 shooting preserves in Montana in 2000. A conservative estimate of non-resident and resident hunters using shooting preserves would be 75 percent non-resident and 25 percent resident. Because hunter days do not equate with individual hunters and because licenses sold to residents and non-residents may be used both on a shooting preserve and on public lands, the revenue figure from license sales resulting directly from sales for shooting preserves use is not available.

Non-resident hunters may opt to purchase a 3-day non-resident shooting preserve bird hunting stamp for $20.00. In 1996, 132 upland bird shooting preserve 3-day stamps were sold, compared with 100 stamps in 1990 (Montana Department of Fish, Wildlife and Parks 1998b). Revenues generated in 1996 for the sale of non-resident upland bird shooting preserve 3-day stamps were $2,640.00.

Shooting preserve operators are required by MFWP to submit annual reports that include the number of hunters using the preserve, the number of birds released, and the number harvested. The most recent figures available are for the 1997-1998 hunting season. During the seven month season a total of 1987 hunters hunted on shooting preserves. These preserves released 22,583 birds. A total of 8225 birds were harvested on the preserves

In a recent survey of 64 game bird farm operators in Montana, 46.9 percent indicated they had no sales of game birds in 1997, 20.3 percent had sales for less than 100 birds, 18.8 percent had sales of 100 to 1,000 birds, 12.5 percent had sales of 1,000 to 10,000, and 1.5 percent had sales greater than 10,000 birds. Based on these data, average number of birds sold per game bird farm was 1,345, while total number of birds sold by the 64 game bird operators was 86,101 of which one operator reportedly had a sale of 60,000 birds (Montana Department of Fish, Wildlife and Parks 1998c).

A $25.00 fee is charged to game bird farm owners for licensing the game bird farm the first year and a $15.00 renewal fee is charged annually there-after. An estimated $2,500 in revenues was generated for first year licensing of the 100 game bird farms in Montana. Previously licensed game bird farms generated $1300 in revenue to MFWP in 2000 through license renewal fees in 2000 (Feldner 2000).

The total revenues to MFWP generated through annual licensing and fee renewal of shooting preserves and game bird farms is approximately $13,000. Costs to administer these programs annually is approximately $70,000. This includes approximately $40,500 in administrative salaries at the regional and headquarters level, $1400 for annual mailings, fee collection, and annual licensing costs, $24,000 for annual inspections, and $4,100 to process new applications (Feldner 2000).

CHAPTER 4

PROGRAM ALTERNATIVES

Four alternatives were selected for consideration in this PEIS: Alternative A (No Action Alternative), Alternative B (Categorical Exclusion from MEPA Review), Alternative C (Categorical Exclusion From MEPA Review With Required Mitigation Measures), Alternative D (Game Bird Regulatory Program Changes). Each alternative is described below.

ALTERNATIVE A: NO ACTION ALTERNATIVE

MFWP would continue to administer the game bird farm and game bird shooting preserve programs as they are currently established. Under this alter-native, game bird farm and shooting preserve owners/operators must comply with existing laws and regulations and new game bird farms and shooting preserves would be subject to individual MEPA review (Appendix B).

Shooting preserve owners/operators would be required to maintain records of the number of resident and non-resident hunters, number of birds released by species, number of pen-reared birds harvested by species, and provide these data to MFWP annually.

It is recommended that applicants should contact the Montana Natural Heritage Program for infor-mation regarding presence of federally listed threatened and endangered species or Montana sensitive plant species within the proposed game bird farm or shooting preserve. If protected species are known to exist in the vicinity, care should be taken to avoid those locations in siting of buildings and roads, or other disturbance associated with the game bird farm or shooting preserve.

ALTERNATIVE B: CATEGORICAL EXCLUSION FROM MEPA REVIEW

Alternative B would categorically exclude game bird farms and shooting preserve applicants from further MEPA review. These applicants would still be subject to compliance with all laws and rules currently applicable to game bird farms and game bird shooting preserves (see regulatory summary previously described).

As in Alternative A, it is recommended that applicants should contact the Montana Natural Heritage Program for information regarding presence of federally listed threatened and endangered species or Montana sensitive plant species within the proposed game bird farm or shooting preserve. If protected species are known to exist in the vicinity, care should be taken to avoid those locations in siting of buildings and roads, or other disturbance associated with the game bird farm or shooting preserve.

Shooting preserve owners/operators would be required to maintain records of the number of resident and non-resident hunters, number of birds released by species, number of pen-reared birds harvested by species, and number of wild birds harvested by species, and provide these data to MFWP annually. Pen-reared birds would be required to be marked prior to release.

ALTERNATIVE C: CATEGORICAL EXCLUSIONS FROM MEPA REVIEW WITH REQUIRED MITIGATION **MEASURES**

This alternative would categorically exclude all game bird farms and some shooting preserve applicants from further MEPA review if certain conditions are met. This alternative describes required mitigation measures developed to address potential impacts associated with proposed shooting preserve facilities that would otherwise not meet the criteria for categorical exclusion from MEPA review. Failure to mitigate potential impacts would result in a requirement to prepare a site-specific EA or EIS, or rejection of the application, as appropriate. Mitigation measures described under Alternative C may require administrative rule changes.

As in Alternatives A and B, shooting preserve owners/operators would be required to maintain records of the number of resident and non-resident hunters, number of birds released by species, number of pen-reared birds harvested by species, and number of wild birds harvested by species, and provide these data to MFWP annually. Pen-reared birds would be required to be marked prior to release.

As in the previous alternatives, it is recommended that applicants should contact the Montana Natural Heritage Program for information regarding presence of federally listed threatened and endangered species or Montana sensitive plant species within the proposed game bird farm or shooting preserve. If protected species are known to exist in the vicinity, care should be taken to avoid those locations in siting of buildings and roads, or other disturbance associated with the game bird farm or shooting preserve.

Under this alternative, all applications for game bird farms would be categorically excluded from MEPA review. New shooting preserve applications would be submitted to the appropriate regional FWP office for review. If the application met all other requirements, including a location in excess of ten miles from another shooting preserve, it would be reviewed for possible categorical exclusion from MEPA review. If Mitigation Measures C-1 and C-2 are implemented, and the proposed applicant agreed to follow them, then it would be up to regional personnel to determine if the proposed site was in good upland bird habitat. This determination may be made without a site vist, based upon information provided by the applicant and knowledge of the area by regional personnel. If it is determined that the site is good habitat, then the applicant will have to agree to implement Mitigation Measures C-3a, b, and c. The license would then be issued without going through a MEPA analysis. Should the applicant disagree with the determination of regional personnel, then a site visit and a probable MEPA review would be implemented.

Mitigation measures would include one or more of the following:

Mitigation Measure C-1

- All game birds released on shooting preserves or otherwise authorized for release by the department would be required to be blood tested for pullorum-typhoid or come from an NPIP-certified game bird farm. Reporting forms will be modified to require NPIP information.

  Montana is classified as a pullorum-typhoid free state and, therefore, game birds shipped into or out-of-state must be tested and certified as pullorum-typhoid free. This is typically accomplished by game bird farm operators participating in the National Poultry Improvement Plan (NPIP). Currently, blood testing is not required for game birds raised and released in Montana. Inclusion of this requirement as a mitigation measure would address the concern regarding potential for pen-reared birds to transmit diseases to wild birds and other animals. Mitigation measure C-1 would apply to new shooting preserves seeking a license and existing shooting preserves subject to license renewal. Any game bird farms in Montana selling birds for release on shooting preserves, for dog training, for field trials, or to individuals with a permit to release ring-necked pheasants for non-commercial use would be required to be NPIP certified.

Mitigation Measure C-2

- Pen-reared turkeys could not be released on new shooting preserves.

  Pen-reared turkeys are known to lack wild behavior (Lewis 1987) and become a nuisance around residences (McCarthy 1998). Inter-breeding of pen-reared turkeys and wild turkeys would likely result in a less wild hybrid that would learn similar behavioral traits from its parent. Pen-reared turkeys have poor survival characteristics in the wild (Lewis 1987) partly due to a genetic selection for docile animals. These birds could potentially introduce undesirable genetic traits into wild turkey populations. In addition, pen-reared turkeys may not necessarily be the Merriam's wild turkey subspecies that exists in Montana. All four turkey subspecies found in the United States, plus the domestic turkey, will interbreed, and there is no practical way to regulate subspecies and hybridization in captive situations. Pen-reared turkeys are documented to carry many diseases and parasites (Schorr et. al. 1988, Davidson and Wentworth 1992), and their release into the wild can spread diseases to wild turkey populations (Powell 1965, Kennamer 1987). For these reasons, 45 of

49 states with wild turkey populations have already banned or restricted the private release of pen-reared turkeys, and all state conservation agencies have abandoned captive rearing programs (Kennamer et al. undated).

Mitigation Measure C-3

Mitigation measure C-3a, and C-3b would only apply to new shooting preserves. Mitigation measure C-3c would apply to existing and new shooting preserves.

New shooting preserves would not be approved if located in habitat supporting well established wild bird populations, as determined by regional MFWP staff, unless each of the following conditions is met:

Mitigation Measure C-3a

- If the proposed shooting preserve is located in habitat that supports a well established wild pheasant population and pheasants are to be released on the shooting preserve, only rooster pheasants could be harvested on the shooting preserve.

  Compliance with this mitigation measure would prevent the unlawful harvest of wild hen pheasants on new shooting preserves. A facility licensed in an area that did not have a well established wild game bird population would be allowed to harvest male or female birds. If a licensed facility subsequently establishes a wild bird population, the facility would be allowed to continue harvesting both male and female game birds.

Mitigation Measure C-3b

- Pen-reared birds would be required to be released on the shooting preserve on a daily basis as required to meet customer demands and game bird farm requirements for harvesting 80% of released birds. Game birds could not, for example, be released in large numbers at the beginning of the season to sustain hunting throughout the season.

  As was discussed in Chapter 3 of this PEIS, the shorter the time interval between release and hunting of pheasants, the greater the harvest of released birds. The highest take of hatchery pheasants comes when birds are released immediately prior to a hunt. Shooting preserve operators often release all or most of their pen-reared birds during September. This practice increases the potential for wild birds to be harvested on shooting preserves during later months of the shooting preserve season.

Mitigation Measure C-3c

- All pen-reared birds released on shooting preserves would be required to be distinguishable from wild birds. This would require that all pen-reared birds released on shooting preserves be banded, toe clipped, or have worn "peepers" prior to their release. Records of wild versus pen-reared bird harvests would be required.

  Although this provision would not prevent wild birds from being harvested on shooting preserves, it would provide a means through which MFWP could monitor the number of wild birds taken on shooting preserves and identify problem areas. Pen-reared birds could be distinguishable from wild birds by either banding or toe-clipping the birds prior to their release. Or, if the birds had been fitted with "peepers" (eye coverings), the birds could be identified because the peepers pierce the septum between the nostrils.

  According to MCA 87.4.527, wild birds can be harvested on shooting preserves if the harvest is in accordance with applicable license, game, and hunting laws pertaining to open seasons, bag and possession limits, and rules. In flight, wild game birds are indis-tinguishable from pen-reared birds. Therefore, an unknown number of wild birds are likely harvested each year on shooting preserves located in habitats that support wild bird populations. Any wild bird taken on a shooting preserve outside of the regular upland game bird hunting season is a violation of MFWP rules and regulations. Wild bird bag limits and ring-necked pheasant regulations may also be violated on shooting preserves because most shooting preserve operators allow hunters to harvest more birds than allowed under

MFWP upland game bird bag limits and hen pheasants can often be taken on shooting pre-serves. By not licensing new shooting preserves in areas that support wild bird populations, unless they implement these suggested mitigation measures or unless significant impacts are mitigated through an EA or EIS, the occurrence of these violations would be minimized.

MFWP will require shooting preserves to report the take of pen-reared and wild birds annually. Over a period of several years the results should be able to document whether or not wild birds constitute a significant proportion of birds harvested on a shooting preserve. If a means were developed to mark each year class, such as the use of colored leg-bands, year-to-year survival of pen-raised birds could also be determined. The results of these studies may be used to modify some of the mitigation measures.

Mitigation Measure C-4

- New ring-necked pheasant shooting preserves would be required to have an approved plan for releasing pheasants if the preserve is located within one mile of a known Columbian sharp-tailed grouse lek or wintering area.

  The release of large numbers of pheasants near an existing Columbian sharp-tailed grouse lek could result in significant negative impacts on grouse populations from competition for food and disruption of breeding activity. Limiting the number of pheasants released per day or managing a put-and-take shooting preserve are alternatives for mitigating this potential impact.

Alternative D: Game Bird Regulatory Program Changes

This alternative describes mitigation measures developed to address program management issues such as program funding, and other program changes that may require legislative action. These changes would address specific problems, inconsistencies or issues that have been identified by the public and within the agency.

D-1: Increase License Fees

Mitigation Measure D-1a

- License fees for game bird farms would be increased from the current $25 for a new application and $15 for annual renewals to $100 for a new application and $50 for annual renewals.

  Game bird farm license fees are set by department rule making and were last considered in 1984. The increase would help to offset the increased cost of licensing and inspections.

Mitigation Measure D-1b

- All shooting preserves less than 320 acres in size would pay an annual flat rate license fee of $100. Facilities greater than 320 acres would pay a $100 flat rate fee plus a surcharge of $0.50 per acre for every acre over 320 acres. Funds raised as a result of the surcharge would be used by MFWP to offset program costs and to improve habitat and secure access for public hunting.

  License fee increases would help to offset the increased costs of licensing and program administration. This proposal would require a change in shooting preserve statutes, and the earliest it could be considered would be in 2003.

D-2: Establish a Minimum Number of Birds to be Released on Shooting Preserves

- All shooting preserves would be required to release a minimum of 100 birds of each species requested on their license per season. All birds released must be at least 14 weeks old, must be fully feathered, and must be released during the shooting preserve season between September 1 and March 31.

This requirement would encourage those persons wishing to enhance their personal and/or private pheasant hunting opportunities to obtain a personal "permit to release ring-necked pheasants for non-commercial purposes " rather than obtain a shooting preserve license. This stipulation may also encourage establishment of shooting preserves as commercial enterprises rather than private-use operations.

D-3: Prohibit Release of Pen-reared Turkeys On All Shooting Preserves

- Proposed Mitigation Measure C-2 would require that no pen-reared turkeys be released on new shooting preserves. The reasons for this prohibition are given in that section. For the same reasons, the Department would seek legislation to prohibit the release of pen-raised turkeys on all existing shooting preserves.

Proposed Regulatory Changes Outside of the Scope of This PEIS

There are a number of proposals that would address specific problems, inconsistencies, or issues within game bird programs that do not fall within the scope of this PEIS (described in Chapter 2- Other MFWP Game Bird Programs). These regulatory changes may require legislative action. These include:

Allow Private Release of
Hungarian Partridge, Chukar
Partridge, and Quail

- The department is considering authorizing the release of Hungarian partridge, chukar partridge, and quail on private land as is currently allowed for ring-necked pheasants. Birds could be released on private property between March 1 and August 31 with landowner approval. Birds would have to be disease tested or be acquired from an NPIP certified game bird farm.

Define "Game Birds" and "Game Bird Farm Birds"

- Currently, "game birds" are defined under the game bird farm statutes in 87-4-901 as "all birds defined as game birds in 87-2-101, except that the only pheasants included are ring-necked pheasants, and quail are not included." 87-2-101 defines both "upland game birds" and "migratory game birds" implying that migratory game birds are included as game bird farm birds. Quail are listed in 87-2-101 as an upland game bird, but are excluded under the game bird farm statutes as a game bird farm bird. The Department is considering eliminating migratory game birds from the game bird farm definitions and not requiring a game bird farm license to raise and sell migratory game birds. Migratory game birds are controlled under the federal laws concerning their possession and sale. The Department is also considering either removing quail from the definition of upland game birds in 87-2-101 or including quail in the definition of game bird farm birds in 87-4-901. Statutory changes in definitions could not be accomplished until 2003.

Authorize Private Release of Game Birds Year Around

- The department is considering authorizing private landowners to release approved species of game birds on their land on a year around basis, rather than limiting the releases to March1 through September 1.

Clarification of Dog Training Rules and Regulations

- Permit requirements for dog training that involve the shooting of pen-reared game birds will be clarified in department rules. If quail are removed from the definition of game birds in M.C.A. 87-2-101, no permit would be required for use of bobwhite quail or pigeons in dog training provided that the training does not occur within one mile of any bird nesting or management area or game preserve. It

would be the responsibility of the dog trainer to select an acceptable location for training purposes. No permit is currently required for dog training if no live game birds are killed or captured during training and if the training is more than 1 mile from any bird nesting or management area or game preserve.

CHAPTER 5

ENVIRONMENTAL CONSEQUENCES

Chapter 5 discusses potential direct and indirect impacts of the existing game bird farm and shooting preserve programs and identified alternatives to the current program. For each alternative, MFWP evaluated direct and indirect environmental effects on the environment.

CUMULATIVE IMPACTS

Cumulative impacts are impacts on the environment which result from incremental impacts of the action when added to other past, present, and reasonably foreseeable actions. Cumulative impacts have only been identified for socioeconomic resources and, therefore, are not discussed under the other resources.

IRREVERSIBLE AND IRRETRIEVABLE COMMITMENTS

An irretrievable commitment of a resource is one in which the resource or its use is lost for a period of time whereas an irreversible commitment of a resource is one that cannot be reversed. No irreversible or irretrievable commitments of resources were identified in implementing any of the program alternatives.

DIRECT AND INDIRECT IMPACTS

Water Resources

Alternative A - No Action

Under the current program, shooting preserves are not expected to directly or indirectly affect water resources in Montana. Historically, for game bird farm and shooting preserve projects where EAs have been prepared, the level of direct and indirect impacts to water resources from the proposed operations have been determined to be insignificant. Wastes generated by pen-reared game birds could potentially affect water resources because of waste management or intensive land management practices. However, based on observations documented while visiting several of the larger game bird farms in Montana, potential impacts to water resources are expected to be non-existent or minimal (MFWP 1998). Game bird farm operators typically control animal waste generated at their facility through collection of the waste and subsequent use of the waste as a nutrient source for crops cultivated on-site. Department of Environmental Quality enforces state water quality standards if an unanticipated problem arises.

Alternatives B, C and D

For reasons described under Alternative A, game bird farms and shooting preserves are not expected to significantly affect water resources under Alternatives B, C and D.

WATER Would the Proposed Action result in:	POTENTIAL IMPACT				CAN IMPACT BE MITIGATED
	UNKNOWN	NONE	MINOR	SIGNIFICANT	
a. Discharge into surface water or any alteration of surface water quality including but not limited to temperature, dissolved oxygen or turbidity?					
b. Changes in drainage patterns or the rate and amount of surface runoff?					
c. Alteration of the course or magnitude of flood water or other flows?					
d. Changes in the amount of surface water in any water body or creation of a new water body?					
e. Exposure of people or property to water related hazards such as flooding?					
f. Changes in the quality of groundwater?					
g. Changes in the quantity of groundwater?					
h. Increase in risk of contamination of surface or groundwater?					
I. Violation of the Montana non-degradation statute?	Game bird farms	Shooting preserves			Yes, through waste management (impact is considered unlikely to occur).
j. Effects on any existing water right or reservation?					
k. Effects on other water users as a result of any alteration in surface or groundwater quality?					

Soil/Land Resources

Alternatives A, B, C and D

No significant direct or indirect effects on soil resources are expected as a result of any of the Alternatives evaluated in this PEIS. Under the No Action Alternative, new game bird farms and shooting preserves would be subject to environmental review on a case-by-case basis. Minor impacts associated with game bird farms cannot be mitigated but are considered minimal based of the small size of the facilities.

LAND RESOURCES Would the Proposed Action result in:	POTENTIAL IMPACT UNKNOWN	NONE	MINOR	SIGNIFICANT	CAN IMPACT BE MITIGATED
a. Soil instability or changes in geologic substructure?					
b. Disruption, displacement, erosion, compaction, moisture loss, or over-covering of soil which would reduce productivity or fertility?		Shooting preserves	Game bird farms		No, game bird farms are relatively compact and impacts are expected to be minimal.
c. Destruction, covering or modification of any unique geologic or physical features?					
d. Changes in siltation, deposition or erosion patterns that may modify the channel of a river or stream or the bed or shore of a lake?					

Vegetation
Alternative A

Under the No Action Alternative, new game bird farms and shooting preserves would be subject to environmental review on a case-by-case basis. For game bird farm and shooting preserve projects where EAs have been prepared under the current program, the level of direct and indirect impacts to vegetation resources from the proposed operations have been determined to be insignificant. In addition, significant impacts to vegetation resources were not apparent while visiting several shooting preserves and several of the larger game bird farms in Montana (MFWP 1998).

VEGETATION Would the Proposed Action result in:	POTENTIAL IMPACT UNKNOWN	NONE	MINOR	SIGNIFICANT	CAN IMPACT BE MITIGATED
a. Changes in the diversity, productivity or abundance of plant species?					
b. Alteration of a plant community?					
c. Adverse effects on any unique, rare, threatened, or endangered species?					
d. Reduction in acreage or productivity of any agricultural land?					
e. Establishment or spread of noxious weeds?			Game bird farms		Yes, through weed control programs.

Alternatives B, C and D

Construction of game bird farms results in the elimination of native vegetation (if present) within the pen and building areas. Game bird farms are often constructed near existing farm and ranch structures, are part of existing structures, or are on land that has been designated for commercial or residential use. In these situations, existing native vegetation is generally disturbed. Introduction and spread of noxious weeds by game birds are not concerns on game bird farms (Sullivan 1998). Birds are brought in as chicks and are fed a prepared, processed ration. Alfalfa hay is often provided as a supplement.

If not used year round, bird pens could potentially provide habitat for weedy exotic species. However, when pens are used each spring or summer, weeds are quickly eaten and/or trampled by the birds (Jackson 1998). Many shooting preserves are associated with game bird farms, so structures are usually used for both operations.

Disturbance of native vegetation or sensitive species on shooting preserves occurs primarily with construction of facilities and roads, or planting grain to enhance game bird habitat. Buildings, roads, and plantings on shooting preserves occupy a small portion of individual properties and are determined to have an insignificant impact on native vegetation statewide.

Introduction of noxious weed seeds may occur from vehicles and dogs that are carrying weed seeds. Landowners are required to control noxious weeds on their property. Any infestation brought in by vehicles, dogs, or other extraneous sources should be controlled by the landowner.

Plant species listed under the Federal Threatened and Endangered Species Act of 1973 are not subject to federal protection if they are located on private property. Because shooting preserves and game bird farms are all located on private property, these plant species are not subject to protection under the Threatened and Endangered Species Act. However, it is recommended that permittees should contact the Montana Natural Heritage Program for information regarding presence of federally listed threatened and endangered species or Montana sensitive plant species within the proposed game farm or shooting preserve. If species are known to exist in the vicinity, care should be taken to avoid those locations in siting of buildings and roads, or other disturbance associated with the game farm or shooting preserve.

Wildlife and Fisheries Resources

Game bird farms tend to be small and occupy small acreages, while shooting preserves are limited by law to 1,280 acres as a maximum size with a minimum distance of 10 miles between shooting preserves. Therefore, only 2 square miles out of about 78 square miles (3 percent) can be used for shooting preserves. This restriction limits the environmental impacts in a given area. Game bird farms and shooting preserves are not expected to directly or indirectly impact fisheries resources.

In some areas, shooting preserves may have been responsible for the establishment of wild populations of pheasants. Pheasant populations are known to expand into areas of suitable habitat, and will not survive long-term in areas lacking suitable habitat. Shooting preserves are not required to release birds into areas with suitable habitat, as is required for participants in the upland game bird enhancement program. Shooting preserves provide a benefit to landowners located in areas lacking viable game bird populations and habitat, but interested in providing opportunities for upland game bird hunting.

No impact to big game species would result from any of the Alternatives. Mammalian predators would continue to be controlled around game bird farms. Predatory species likely to occur near game bird farms (red fox, coyote, striped skunk, and raccoon) are not protected by state law and can be legally taken throughout the year. Localized predator control would affect individuals, but not populations.

Raptorial birds that may prey on game farm birds are protected by federal law. Minimal predator control would be expected at shooting preserves because most shooting preserves are "put and take" operations.

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FISH/WILDLIFE	**POTENTIAL IMPACT**				**CAN IMPACT BE MITIGATED**
Would the Proposed Action result in:	**UNKNOWN**	**NONE**	**MINOR**	**SIGNIFICANT**	
a. Deterioration of critical fish or wildlife habitat?					
b. Changes in the diversity or abundance of game species?		Game bird farms		Shooting preserves	Yes, through management practices.
c. Changes in the diversity or abundance of nongame species?		Game bird farms	Shooting preserves		Yes, through management practices.
d. Introduction of new species into an area?			Game bird farms - accidental releases	Shooting preserves	Yes, through management practices and limitations on species to be released.
e. Creation of a barrier to the migration or movement of animals?					
f. Adverse effects on any unique, rare, threatened, or endangered species?					
g. Increase in conditions that stress wildlife populations or limit abundance (including harassment, legal or illegal harvest or other human activity)?		Game bird farms		Shooting preserves	Yes, through management practices.
h. Increased risk of contact and disease between game bird farm animals and wild game birds?					Yes, through disease management practices.

Establishment of wild turkey populations has been a slow, ongoing process in Montana since 1954. The initial birds that were introduced were Merriam's wild turkeys from specific areas in Colorado and Wyoming. These birds are now naturalized to Montana's climate and habitats. Due to the potential for extreme cold and snow conditions during winter, Montana represents the distributional limit of wild turkeys. In addition to artificial selection problems associated with pen-reared turkeys, three other turkey sub-species are somewhat suited to Montana's climate, and could be inadvertently introduced to wild populations. It is difficult to distinguish between the various turkey species in young animals and bird farms have reported receipt of the wrong species. The repeated release of pen-reared turkeys could introduce genetic material to wild populations that result in wild birds less adapted to Montana's climate and habitats.

Alternative A

Under Alternative A, a site-specific environmental assessment would be completed for each application. Historically, birds released at shooting preserves were not required to be NPIP-certified, allowing for the potential introduction of disease into wild bird populations. Montana game bird farms are not required to be NPIP certified. There is a possibility that birds coming from NPIP-certified hatcheries may carry infectious diseases other than pullorum or typhoid **(see Table 3-1)**; however, pullorum and typhoid are

the most common diseases affecting gallinaceous birds, and therefore, risk to birds from diseases other than pullorum or typhoid is minimal.

Operators of shooting preserves located in areas supporting healthy wild game bird populations do not differentiate between pen-reared and wildbirds in their harvest records. Under Alternative A, the frequency of statutory violations on shooting preserves in the taking of wild birds outside the legal season as well as the unlawfull harvest of female birds would likely increase as more shooting preserves are licensed in areas that support existing wild game bird populations. The planting of lure crops and habitat enhancement on preserves would likely attract wild pheasants and grouse to shooting preserves, augmenting the potential for statutory violations to occur and also reducing the availability of pheasants during the hunting season on adjacent lands open to public hunting.

In areas of quality pheasant habitat, the harvest of wild pheasants may exceed 20 percent (Thompson 1998). According to Montana statute, wild game birds can be harvested on shooting preserves as long as the harvest is in accordance with applicable license, game, and hunting laws pertaining to open seasons, bag and possession limits, and rules. Consequently, wild game birds taken on shooting preserves outside of the regular hunting season is a violation of Montana statute, as is the harvest of wild hen pheasants.

Alternative B

Other than the accidental release of game birds from a game bird farm, there are no significant impacts associated with the operation of a game bird farm. Under Alternative B, all game bird farms would be categorically excluded from MEPA review provided that all laws are followed and facilities are adequate to prevent escape of game birds under normal conditions. Facilities would have to be approved by MFWP prior to licensing.
MFWP would not approve a game bird farm believed to have inadequate facilities to prevent escape of game birds that was located in an area that would have negative impacts on an existing wild game bird population.

All shooting preserves would be categorically excluded from MEPA review regardless of potential environmental impacts. Potential detrimental impacts to wildlife include:

- The illegal harvest of wild hen pheasants, and potential over-harvest of wild gamebirds on shooting preserves located in good upland bird habitat during the general upland bird season;
- The illegal take of any wild pheasant on shooting preserves in operation after the general upland gamebird season;
- The potential introduction of diseases to wild upland game bird populations;
- The potential introduction of diseases and the effects of ‘genetic pollution’ on wild turkey populations if pen-raised turkeys were released on shooting preserves;
- Potential negative impacts to Columbian sharp-tailed grouse populations in areas where shooting preserves are located in close proximity to Columbian sharp-tailed grouse leks;
- Potential loss of genetic diversity and aggressiveness in wild upland game bird populations in areas of good bird habitat.

Most of these impacts would only be significant in areas of good upland bird habitat. Implementation of this Alternative would not incorporate any means of determining the percentage of surviving pen-raised birds, and the percentage of wild vs. pen-raised birds taken on a shooting preserve, and Alternative C does.

Alternative C

Under Alternative C, mitigation measure C-1 would require that birds released on shooting preserves must be blood tested or otherwise certified to be pullorum-typhoid free (i.e. from an NPIP-certified bird farm). This would reduce the risk of disease transmission to wild pheasants, grouse, and other birds.

Mitigation measure C-2 would prohibit the release of pen-reared turkeys on shooting preserves. This mitigation measure would eliminate the potential for introduced turkeys to affect the genetics of Montana's existing wild turkey population and would prevent inadvertent release of diseases into wild game bird populations. Wild turkey populations are established in 49 states in America. Of those 49 states, 45 have banned or restricted the private release of pen-reared turkeys.

Mitigation measure C-3 would prohibit licensing new shooting preserves in areas that support an existing wild game bird population unless a subset of mitigation measures are met. If adopted, this mitigation measure would essentially limit the number of wild birds harvested on shooting preserves to that harvested under current conditions. Some wild pheasants would still be taken out of season and wild hen pheasants could still be harvested on some shooting preserves, but because no new shooting preserves would be licensed in areas with existing bird populations, the impact to wild birds would remain unchanged from current conditions.

If a new shooting preserve applicant wishes to release pen-reared birds in an area supporting an existing wild bird population, then licensure of the shooting preserve would be conditional on compliance with mitigation measures C-3a through C-3c. Mitigation measure C-3a would prohibit shooting hen pheasants on any new shooting preserve located in an area supporting a wild ring-necked pheasant population. This would effectively limit the number of wild hen pheasants taken on shooting preserves to numbers similar to current conditions.

Mitigation measure C-3b would require shooting preserve operators to release birds on a daily basis. This practice would promote the harvest of pen-reared birds and minimize the number of wild birds harvested on the shooting preserve.

Mitigation measure C-3c would require that all pen-reared birds released on currently licensed and new shooting preserves be distinguishable from wild birds. This mitigation measure would provide MFWP the opportunity to monitor the harvest of wild pheasants (or other upland game birds) on shooting preserves. MFWP would be able to identify shooting preserves that consistently harvest more than 20 percent wild birds in their annual take, design management recommendations to reduce the take of wild birds, or provide better compensation for the take of wild birds since hatchery birds have poor survival and lower reproduction potential than wild birds.

Mitigation measure C-4 protects Columbian sharp-tailed grouse by limiting the potential for impacts on grouse leks and wintering areas. Large numbers of pheasants may be released in areas within one mile of a significant columbian sharp-tailed grouse lek or wintering area. Under such conditions, competition for food, cover, and breeding sites between grouse and pheasants may occur (Shackford *in press*).

Alternative D

Alternative D would only be implemented as additional mitigations to one of the other alternatives, and thus would have the impacts of that alternative. This alternative would provide additional consistency in Montana□s game bird regulatory program that would benefit the public.

Recreation

Alternative A

Under the current program, the number of shooting preserves in Montana has grown from 8 in 1988 to 100 in 2001. Assuming the growth of these operations continues at a similar rate over

the next 10 years, there would be more recreational opportunities on shooting preserves in the future. However, if a large percentage of wild birds are harvested on shooting preserves, recreational opportunities to hunt wild birds on public or private land adjacent to shooting preserves could decrease. The degree to which recreational opportunities would decrease would be dependent on the level of impact to wild bird populations and the accessibility of adjacent lands to hunters.

4. AESTHETICS/RECREATION	**POTENTIAL IMPACT**				**CAN IMPACT BE MITIGATED**
Would Proposed Action result in:	***UNKNOWN***	**NONE**	**MINOR**	**SIGNIFICANT**	
a. Alteration of any scenic vista or creation of an aesthetically offensive site or effect that is open to public view?					
b. Alteration of the aesthetic character of a community or neighborhood?					
c. Alteration of the quality or quantity of recreational/tourism opportunities and settings?		Game bird farms		Shooting preserves	Yes, through management practices

Alternative B

Under alternative B, with categorical exclusion from MEPA review for all new shooting preserves and bird farms, the number of shooting preserves could increase more rapidly that under the other alternatives. There would be more opportunity for recreation for those willing to pay to hunt on shooting preserves.

Public hunting opportunity would most likely be decreased under this alternative. There would potentially be less land to hunt on, but of bigger impact would be the potential loss of upland birds for any or all of the reasons listed previously under Impacts to the Fisheries and Wildlife Resources.

Alternative C

Under Alternative C, new shooting preserves would not be licensed in areas that support existing wild bird populations unless a subset of mitigation measures is met. This would likely increase recreational hunting opportunities in Montana because new hunting opportunities would be created in areas that did not previously support wild bird populations. If a new shooting preserve were located in an area that did support existing wild bird populations, then shooting preserve hunters could only harvest rooster pheasants and pen-reared birds would have to be released on a daily basis. Both of these mitigation measures would also tend to promote better recreational opportunities as impacts to adjacent wild bird populations would be minimized.

Alternative D

If the surcharge mitigation measure (D-1b) were adopted, recreational opportunities in Montana could improve by using funds collected under the surcharge program to enhance upland game bird habitat and/or by acquiring land for public use. Under the existing program, the maximum amount paid for a shooting preserve license is $190 per year for 1,280 acres ($50 for the first 160 acres plus $20 per 160 acres thereafter). Implementation of the surcharge would result in a maximum license fee of $580 per year ($100 flat fee plus $0.50 per acre from 320 to 1,280 acres). A maximum license fee increase of $390 (a 305% increase) may discourage potential shooting preserve operators from pursuing a license unless they anticipate a truly commercial operation.

Noise

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Alternatives A, B, C and D

No significant direct or indirect effects on noise levels are expected under the alternatives evaluated. Shooting preserves are typically located in rural areas; not in close proximity to residential areas. Noise generated by a 12-gauge shotgun ranges from 68 to 81 dBA at a distance of 1,000 feet (see **Table 3-3**). These noise levels coincide with outdoor noise levels ranging from a lawnmower at 100 feet to an urban daytime setting.

Shooting preserves would not be approved in areas where hunting is not generally allowed or where public safety could not be ensured. Montana law prohibits shooting in the direction of or from any state or federal highway or county road, or right-of-away (61-8-639, MCA). Season restrictions could be placed on facilities located in sensitive areas where the surrounding landowners are concerned about public safety and noise impacts associated with a September through March shooting season.

Impacts of noise to wildlife and livestock would most impact those located vary near shooting preserves, and if they have the opportunity, they may move further away from the disturbance. Noise disturbance decreases rapidly as distance from the disturbance increases. Some habituation to noise could also occur.

NOISE **Would Proposed Action result in:**	**POTENTIAL IMPACT**				**CAN IMPACT BE MITIGATED**
	UNKNOWN	**NONE**	**MINOR**	**SIGNIFICANT**	
a. Increases in existing noise levels?		Game bird farms	Shooting preserves		No
b. Exposure of people to severe or nuisance noise levels?		Game bird farms	Shooting preserves		Yes, through shooting restrictions

Access and Land Use

Alternatives A, B, C and D

Under all Alternatives, the number of shooting preserves in Montana is expected to grow at a rate similar, or higher, than that which has occurred over the past 10 years. Therefore, a small percentage of private land that would have been accessible to the general public for upland game bird hunting would be closed due to increases in the number of shooting preserves. A number of individuals would likely lose access to their hunting grounds as a result of more shooting preserves licensed in the future. These individual cases would contribute to the perception that shooting preserves are affecting land access. However, current access to public hunting in Montana is available on approximately 56.7 million acres compared to an estimated 45,360 acres currently occupied by shooting preserves.

Socioeconomic Conditions

Alternative A

No change to the current socioeconomic conditions would occur under the No Action Alternative; however, social impacts already have developed as a result of the EIS process and events which preceded the EIS process (e.g., proposed changes by MFWP in 1996). Factionalism of some segments of the population have occurred based upon support or opposition to the proposition of categorically excluding shooting preserves and game bird farms from MEPA analysis. Under the No Action Alternative, individuals who oppose shooting preserves and upland game bird farms from being categorically exempt from MEPA analysis would experience a sense of relief and a perceived preservation of quality-of-life. Conversely, those who favor categorical exemption from MEPA analysis for shooting preserves and game bird farms would be disappointed in approval of the No Action Alternative.

LAND USE	**POTENTIAL IMPACT**				**CAN IMPACT BE MITIGATED**
Would Proposed Action result in:	**UNKNOWN**	**NONE**	**MINOR**	**SIGNIFICANT**	
a. Alteration of or interference with the productivity or profitability of the existing land use of an area?					
b. Conflict with a designated natural area or area of unusual scientific or educational importance?					
c. Conflict with any existing land use whose presence would constrain or potentially prohibit the Proposed Action?				some shooting preserves	No, the proposal would be denied
d. Conflict with any existing land use that would be adversely affected by the Proposed Action?					
e. Adverse effects on or relocation of residences?					

SOCIOECONOMIC CONDITIONS Would Proposed Action result in:	Potential Impact				Can Impact be Mitigated
	Unknown	None	Minor	Significant	
a. A need for new or altered government services (specifically an increased regulatory role for MFWP and Dept. of Livestock)?			Licensing, inspections and imports will require government services		No
b. A change in the local or state tax base and revenues?			Taxes may increase		No
c. A need for new facilities or substantial alterations of any of the following utilities: electric power, natural gas, other fuel supply or distribution systems, or communications?					
d. Alteration of the location, distribution, density, or growth rate of the human population of an area?					
e. Alteration of the social structure of a community?					
f. Alteration of the level or distribution of employment or community or personal income?					
g. Changes in industrial or commercial activity?					
h. Changes in historic or traditional recreational use of an area?			Shooting preserves		No
i. Changes in existing public benefits provided by affected wildlife populations and wildlife habitats (educational, cultural or historic)?			Shooting preserves		May increase wild bird populations.
j. Increased traffic hazards or effects on existing transportation facilities or patterns of movement of people and goods?					

Alternative B

The implementation of Alternative B would reduce paperwork, time and expense, and would expedite the application process of shooting preserves for FWP personnel and for applicants. Some members of the hunting public may feel that automatic categorical exclusion of all shooting preserves is a threat to upland game bird health, and to public opportunity, and may feel that their input into the PEIS process was ignored**.**

Alternative C

Approval of categorical exclusion from MEPA review with specific mitigation measures, as described under Alternative C, would most likely be welcomed by some individuals or organizations opposing operation of shooting preserves in Montana. Although these persons may be opposed to categorical exclusion of shooting preserves from MEPA review, they would most likely favor the mitigation measures associated with Alternative C. Requiring that game birds released on shooting preserves be blood tested or otherwise NPIP-certified would alleviate the fear that pen-reared birds may transmit diseases to wild

birds. Also, concern expressed by individuals about wild game birds being harvested on shooting preserves would be somewhat reduced through the stipulation of Alternative C-3 since new shooting preserves could not be located in areas supporting an existing wild game bird population without mitigating potential impacts.

Existing owners/operators of shooting preserves may be split on their support or opposition to Alternative C. Some owners/operators may view mitigation measures associated with Alternative C as a deterrent to a significant increase in the number of people applying for shooting preserve licenses, thus the amount of future competition would be limited. Other owners/operators, however, may view categorical exclusion from MEPA review as streamlining the application process, resulting in the establishment of more shooting preserves throughout Montana.

Recreational opportunities would increase with a greater number of shooting preserves, but only for people seeking hunting in a private setting such as a shooting preserve and only for those who could afford to pay for the services offered by shooting preserves.

Alternative C would reduce time spent by MFWP personnel in preparing EAs or EISs as required under MEPA, resulting in cost savings to MFWP, and would expedite the application process for most shooting preserve applicants. However, MFWP staff would still be required to ensure that the applicant is in compliance with existing rules and regulations of shooting preserves or game bird farms. Up-front inspections, monitoring, and responding to complaints about operation of shooting preserves and game bird farms would continue to be performed by regional game wardens under Alternative C.

Alternative D

Mitigation measures proposed in Alternative D would be implemented along with one of the other three alternatives, and would result in social impacts similar to those described under the particular alternative chosen. In addition, under Alternative D, shooting preserve and game bird farm owners could be required to pay higher annual license fees. These additional fees would help offset increased costs of licensing and program administration. Currently, the maximum amount paid for a shooting preserve license is $190 for 1,280 acres ($50 for the first 160 acres plus $20 per 160 acres thereafter). If shooting preserve owners are required to pay a higher fee, the maximum amount paid would increase to $580 ($100 flat fee plus $0.50 per acre for 320 to 1,280 acres). The current game bird farm fees of $25 for an initial application and $15 for annual renewal would increase to $100 for initial application and $50 for annual renewal. Shooting preserve and game bird farm owners most likely would not be in favor of this mitigation measure, whereas sportspersons who currently fund program deficits with license dollars would be more apt to support it.

CUMULATIVE EFFECTS

Eliminating environmental analysis under MEPA would simplify the permitting process for MFWP staff and for applicants of game bird farms and shooting preserves. Streamlining the application process for shooting preserves may result in the establishment and expansion of more shooting preserves throughout Montana. The more shooting preserves operating within the state, the greater the potential to negatively affect public hunting opportunities and wild game bird populations, though total acreage involved is relatively small, and therefore total cumulative impacts would be relatively small, even under the worst-case scenario. Because some shooting preserve operators plant crops at their operations, wild birds on nearby public and private land may be attracted to these crops risking fatality from shooters or diseased pen-reared birds. Loss of wild birds from public land could lead to decreased bird hunting in the area and potential loss of dollars into the local economy due to bird hunters shifting to other public land to hunt. Bird hunters who historically hunted upland game birds on these lands, but switched to other public land due to lack of wild bird populations, would experience a personal loss of public hunting opportunities. Implementation of Alternative C would likely result in less applications for shooting preserves, and thus have less of an impact on wild bird populations and public hunting opportunity than Alternatives A or B.

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Implementation of Alternative C would also mitigate the harvest of wild birds on licensed shooting preserves.

CUMULATIVE EFFECTS	POTENTIAL IMPACT				CAN IMPACT BE MITIGATED?
	UNKNOWN	NONE	MINOR	SIGNIFICANT	
a. Are there any impacts that are individually limited, but cumulatively considerable? (A project or program may result in impacts on two or more separate resources which create a significant effect when considered together or in total).					
b. Are there potential risks or adverse effects which are uncertain but extremely hazardous if they were to occur?					Yes, through management practices.
c. Are there potential conflicts with substantive requirements or any local, state, or federal law, regulation, standard or formal plan?					Yes, through management practices.
d. Would implementation of any of the alternatives establish a precedent or likelihood that future actions with significant environmental impacts be proposed?					
e. Would implementation of any of the alternatives generate substantial debate or controversy about the nature of impacts that would be created?					Yes, through management practices.

PRIVATE PROPERTY ASSESSMENT ACT

The 54th Legislature enacted the Private Property Assessment Act, Chapter 462, Laws of Montana (1995). The intent of the legislation is to establish an orderly and consistent process by which state agencies evaluate their proposed actions under the "Takings Clauses" of the United States and Montana Constitutions. The Takings Clause of the Fifth Amendment of the United States Constitution provides: "nor shall private property be taken for public use, without just compensation." Similarly, Article II, Section 29 of the Montana Constitution provides: "Private property shall not be taken or damaged for public use without just compensation..."

The Private Property Assessment Act applies to proposed agency actions pertaining to land or water management or to some other environmental matter that, if adopted and enforced without compensation, would constitute a deprivation of private property in violation of the United States or Montana Constitutions.

The Montana State Attorney General's Office has developed guidelines for use by state agencies to assess the impact of a proposed agency action on private property. The assessment process includes a careful review of all issues identified in the Attorney General's guidance document (Montana Department of Justice 1997). If the use of the guidelines and checklist indicates that a proposed agency action has takings or damaging implications, the agency must prepare an impact assessment in accordance with Section 5 of the Private Property Assessment Act. Appendix C is a completed Private Property Assessment Act checklist.

CHAPTER 6

MFWP PREFERRED ALTERNATIVE

MFWP has selected a combination of alternatives C and D as the preferred alternative to game bird farm and shooting preserve program management. Under this combination of alternatives, game bird farms would be recommended for a categorical exclusion from MEPA review while shooting preserves would be evaluated for potential impacts, and would be excluded from further MEPA review if all potential impacts were mitigated.

Other changes affecting shooting preserves and game bird farms would include:

1. Require all game birds released in Montana to be blood tested for pullorum-typhoid or come from an NPIP-certified game bird farm.

2. No release of pen-reared turkeys on new shooting preserves and no release of pen-reared turkeys on any shooting preserves pending a change in statutes.

3. Denial of new shooting preserves in areas that support established wild game bird populations, unless the licensee agrees to harvest only rooster pheasants (Alternative C-3a), release game birds on a daily basis as needed to meet customer demand (Alternative C-3b), and distinguish pen-reared birds from wild birds for monitoring purposes (Alternative C-3c).

4. New shooting preserves located within one mile of a known Columbian sharp-tailed grouse lek or wintering area would be required to operate under an approved plan for releasing pheasants that would protect native grouse populations.

The decision for incorporation of these program management changes is based on factors discussed for each of the issues in Chapter 4, “Program Alternatives.”

Additional program changes would include:

1. Propose rule changes to increase the license fee for game bird farms from $25 with a $15 renewal fee to $100 with a $50 renewal fee.

2. Request the legislature create a flat rate for shooting preserve licenses at $100, and add a $0.50 per acre surcharge for every acre between 320 and 1280 acres. The funds raised from a surcharge would be used to offset program costs.

3. All shooting preserves would be required to release a minimum of 100 birds of each species requested on the permit per season. All birds released must be at least 14 weeks old, be fully feathered, and be released between September 1 and March 31.

4. All pen-reared birds released on shooting preserves must be distinguishable from wild birds. This may be accomplished by banding, toe clipping, or by the presence of “peeper holes.”

The licensing and renewal fee increases for both the game bird farm and shooting preserve programs are proposed to bring revenues from these programs in line with MFWP expenses for operation. Currently,

revenues from both programs have amounted to $13,000 annually while estimated operational costs have been approximately $70,000. The proposed fee structure is patterned after the fee structures for shooting preserves in North Dakota and South Dakota.

MFWP has determined that a minimum release of 100 birds of each species be required for licensed shooting preserves. As per 87-4-522(2) MCA, “a minimum number of stock of each species to be hunted on a shooting preserve shall be released on the licensed shooting preserve during the shooting preserve season. The minimum number of stock of each species to be released shall be determined by the department before the commencement of the season.” The 100 bird minimum is designed to ensure that shooting preserves are operating rather than simply holding onto a shooting preserve license to prohibit others wanting to initiate a shooting preserve within a 10 mile radius from doing so. In addition, the required release of birds on a commercial or private shooting preserve may encourage others who simply desire an enhanced upland game bird hunting opportunity to pursue that desire through the use of a “Permit to Release Ring- Necked Pheasants for Non-Commercial Purposes.” That permit, obtained from MFWP, requires no fee and allows pheasants to be released from March 1 to August 31 in order to potentially establish a population to enhance hunting opportunities on private land. The 100 bird minimum is identical to the requirement in North Dakota, and less than the requirement used in South Dakota, Iowa, Nebraska, and Minnesota.

In conjunction with the 100 bird minimum release, MFWP has determined that the age of the birds released **during the shooting preserve season** must be at least 14 weeks. That requirement allows for the efficient sexing of birds prior to release. The shooting of wild hen pheasants is not allowed on shooting preserves either during the upland game bird season or during the shooting preserve season. Release of predominantly rooster pheasants would reduce the taking of hen pheasants, whether pen reared or wild, by providing clients with a greater opportunity to harvest rooster pheasants.

The requirement for marking of pen-reared birds released on shooting preserves would allow for the collection of data relating to the number of wild birds harvested on licensed shooting preserves. Data could also be collected with the cooperation of shooting preserve owners indicating the overwinter survival of pen-reared birds. South Dakota, North Dakota, Nebraska, and Minnesota currently require the marking of pen-reared birds.

CHAPTER 7

PUBLIC COMMENTS AND RESPONSES

INTRODUCTION

MEPA requires that a summary of all sources of written and oral comments on a Draft EIS, including those made at public hearings, and the text of comments received in writing, if practical, be included in the Final EIS. In addition, the agency must respond to substantive comments received, and report the disposition of the issues involved. On November 18, 1999, the Draft PEIS was distributed to game bird farm and shooting preserve licensees, the Montana Wildlife Federation, and others that had expressed an interest in the subject during the previous three years, including those parties attending the public scoping open house meetings and those submitting written comments. Public hearings were held in Great Falls on January 18 and in Billings on February 1, 2000, to take comments on the Draft PEIS. Written comments were accepted through February 29, 2000. Thirty-four written comments were received during this period.

This chapter includes a summary of comments received during the public hearings, copies of all letters received during the public comment period, and responses to substantive comments relevant to the PEIS. Some sections of the Draft PEIS were re-written to incorporate or address concerns raised during the public comment period.

A number of comments concerned issues that were not within the scope of this document, as defined in the Purpose and Need. Many of these were comments regarding related issues, such as the upland game bird habitat enhancement program, the pheasant release program, and bird dog training. A number of comments noted substantial inconsistencies in various requirements between these programs. MFWP recognizes these inconsistencies and intends to address these and remedy them where possible. Some other comments were essentially philosophical questions regarding the ethics of hunting on shooting preserves, etc. The reason that philosophical questions are not addressed in this PEIS is stated in the above Purpose and Need section.

Public comments received at the open hearings held in Great Falls and Billings that were within the scope of this PEIS, and where these comments are addressed in the Final PEIS are listed below:

- There were a number of comments regarding the status of quail as a game bird or a game farm bird. This is addressed on pages 2-1, 4-5, and in the response to Letter 21 in this chapter.
- Several comments regarded the proposed fee increases. This is addressed on pages 4-4 and 6-1 and in the response to Letter 16-A in this chapter.
- There were also comments regarding the number of birds of one species to be released and the minimum age of release. These were addressed in the responses to Letter 16-B and C in this chapter.
- There were several comments that the studies used in Chapter 3 on Game Bird Stocking were outdated. This is addressed in the response to Letter 9 in this chapter.
- There were a few comments that suggested the Draft PEIS was biased against shooting preserves and game bird farms. An attempt was made to remove any apparent bias from the Final PEIS.

- Several people wanted to know what the impact of pen-released birds was on wild bird populations. This is addressed in Chapter 3, Game Bird Stocking, and in the response to Letter 9 in this chapter.

- There were a few comments on whether or not fee hunting could take place on Conservation Reserve Program (CRP) lands. When the Draft PEIS was released this was still in question. This has now been addressed. See the response to Letter 9-F in this chapter.

- A few people were interested in the effects that the release of pen –reared birds had on predation. This is addressed in Chapter 3 under Game Bird Stocking- Predation.

A copy of the 34 written letters received by the Department during the public comment period and the responses to substantive comments follow:

AGENCY COMMENTORS

Letter 1. Dan Hook, MFWP Wildlife Biologist
Letter 2. Tom Flowers, MFWP Game Warden
Letter 3. Thomas F.T. Linfield, D.V.M., DoL, Assistant State Veterinarian

PUBLIC COMMENTORS

Letter 4. Tim Wiediger, Manager, Fetch-Inn Hunting Preserve
Letter 5. Allan W. Gadoury,
Letter 6. Henry Mischel, Dawson County Rod and Gun Club
Letter 7. Scott Moscato, Managing Partner, Eagle Nest Lodge
Letter 8. Don E. Pyrah
Letter 9. Jim Hagenbarth , Hagenbarth Livestock
Letter 10. Kathryn Hiestand & Neal Miller
Letter 11. Tom Carroll
Letter 12. Bernard W. Lea
Letter 13. Nick C. Forrester, Bighorn River Resort
Letter 14. Floyd R. Blair, Wolf Creek Shooting Preserve
Letter 15. Sharon Buckallew
Letter 16. Dan and Arlene Weppler, Three Cross Ranch
Letter 17. John Gibson, Conservation Committee Chairman, Billing Rod and Gun Club
Letter 18. Garry King
Letter 19. J.W. Boyer Jr. and C.F. Sandford
Letter 20. Volney Steele
Letter 21. Fred Frey
Letter 22. Jan French, Co-owner, Rings and Rainbows Shooting Preserve
Letter 23. Craig E. Roberts, President, Central Montana Pheasants Forever
Letter 24. Bill Cunningham
Letter 25. Charles R. Barnosky
Letter 26. Wayne B. Worthington, Secretary Treasurer, Flathead Wildlife, Inc.
Letter 27. Bob Upton, Walker Creek Farms
Letter 28. Jodie and Curt Butler, Cactus Hill Gamebirds
Letter 29. Todd Cazier, President, Montana Gamebird Association, Inc.
Letter 30. J.C. and Eileen Jackson, Rocky Mountain Hatchery and Gamebirds LLC
Letter 31. Josh Turner, President, Montana Wildlife Federation,
Letter 32. Dave VanTighem, President, Russell Country Sportsman's Association
Letter 33. Chris Coyle
Letter 34. Ben Deeble, President, Big Sky Upland Bird Association

Feldner, Tim

From: dhookfwp@aol.com
Sent: Saturday, January 22, 2000 5:04 AM
To: tfeldner@state.mt.us
Subject: Comment on Game Bird Farm and Shooting Preserve EIS

During our recent FWP season meetings,public comments were received in Philipsburg and Deerlodge about the threat and concern of the possible spread of disease to wild birds from Game Bird Farms and Shooting Preserves in light of the CWD problems at the Kesler Game Farm. Public comment was to the effect of at least having the same disease restrictions on Bird Farms as Big Game Farms to an out right ban.

Dan Hook
FWP, Anaconda

Response to Comments.

Thank you for your comments.

Letter 1

Response to Comments.

2-A **The Introduction states what FWP administers and regulates. The Purpose and Need section states that this PEIS covers Game Bird Farms and Shooting Preserves. There are many other programs administered by FWP, including some related to this issue, that will not be covered by this PEIS. The intent of Public Scoping is to raise issues that the public feel should be addressed by an EIS. Other issues that the public may have that are not directly related to the EIS may be important, but are not relevant to the EIS. All of the issues listed in the Public Scoping section have been addressed in this PEIS.**

Response to Comments.

Letter 2

Montana Fish, Wildlife & Parks

FEB 24 2000

TO: Tim Feldner
Commercial Wildlife Permitting Program Manager

February 20, 2000

FROM: Tom Flowers, Montana State Game Warden

RE: Comments on Draft PEIS, Game Bird Farm and Shooting Preserve Programs.

Tim,

Following are some thoughts on the Draft PEIS that was released in November of 1999. I have made comments on particulars of the document and referenced them as they appear (location), along with some contrasting thoughts and corrections for your review. The preferred alternative as written, could also be debated and discussed further, as it may not reflect some "real world" occurrences that need to be taken into account. To this end, I have included some suggestions for thought based on my experience to date.

CHAPTER 1, page 1-1, Introduction, Background for programmatic EIS. In the first paragraph you define what FWP administers and regulates; game bird farm, game bird shooting preserve and general possession/release of game birds. Yet on page 1-2 and still under Background…., The PEIS will only cover game bird farms and shooting preserves. How can this be when all the issues raised in the public scoping under wildlife on page 1-3, apply here also? Throughout the document I can find no compelling reason for these not to be included, consequently I remained convinced this is and would be a serious over sight on our behalf. On page 1-3, Public Scoping and under Socioeconomic, would it be prudent here to discuss the implications of these activities not only limiting public access but actually encouraging this. Not to mention the problems of the commercialization of wildlife and actually promoting this idea, do we want to tolerate this?

CHAPTER 2, page 2-1, Game Bird Farms, the discussion of quail. Regardless of their ability to survive or lack thereof (an argument that in and of itself would be compelling enough reason not to allow their release), should we be encouraging any more non-natives to be released for any reason in this state? When you consider the agony that we

2-A

2-B All birds harvested on shooting preserves, whether pen reared or wild birds, must be appropriately tagged with the shooting preserve self-sealing tags as required. As indicated in the PEIS, wild birds may be harvested on shooting preserves, but only under compliance with applicable season and possession limits.

2-C Permits were authorized through FWP for the release of 5275 pheasants between May 1 and August 31 of 2000. The largest request was for the release of 1200 birds and the smallest for the release of 10 birds.

2-D Permits for Field Trials and Dog Training: Certain provisions of these permits do need to be made more consistent and clear in their intent and application. This review should be initiated by the Department but is outside the scope of this particular PEIS.

Thank you for your comments.

Response to Comments.

2-E Game bird farms and shooting preserves occur in a variety of environmental settings, primarily in valley bottomlands dominated by grasslands and croplands, or cleared forest habitats. The intent here is not to list every habitat that they may potentially be found, but to describe the environmental settings in which they are most frequently located.

go through relative to disease, hybridization, competition, etc. as it relates to our native species (we have experienced this particular to fisheries and big game wildlife) the answer seems painfully obvious to me. Of course the argument could be made that pheasants and huns are not native either, this would be an argument easily won. However, these now are self- sustaining and the consequences of their presence or absence has had some time to manifest itself relative to the natives that they would interact with. We should not encourage any others.

On page 2-5, and under Shooting Preserves ...Birds shot and retrieved on shooting.... The tags should remain with the bird until consumed or the residence of the possessor. This will prevent "processed" birds from being transported around the state and bring this requirement closer in line with the regulation for other upland transport. On this same page and referencing ....Wild game birds harvested on shooting preserves..., are these

:-B applicable licenses and hunting laws particular to the shooting preserve or the general season regulations?

Found on page 2-5, under Permit to release Ring-Neck Pheasants, the application is listed in Appendix A. Close examination of this shows that there is no requirement to show that the birds are disease free or for that matter, the source of the stock. Regardless of the nature of the presence of pheasants (i.e. introduced non-native) should we not be concerned as to the health and origin of all "wildlife" released into the wilds of Montana? Once again the answer is painfully obvious. Also included with this application should be provided by FWP all appropriate Statutes and ARM to be included with the

:-C application and retained by the permit holder. I must have missed this somewhere but how many birds are released each year statewide under this permit system?

:-D Permits for Field Trials or Dog Training, page 2-5, 2-6 under discussion of where the trials may take place ....and the training is conducted more than one mile from any bird nesting site.... Define nesting site and of what species. Arguably the eastern 2/3 of Teton and Pondera Counties are themselves nesting sites. The next logical question would be are all the nesting sites identified and where is this information available? As before, the application should also include source of the stock and disease free certification, along with the appropriate Statutes and ARM, to be retained by the permit holder.

Thank you for your comments.

Response to Comments.

2-E

CHAPTER 3, page 3-1 under Surface Water, it might be appropriate to include the Sun and Teton drainages. On page 3-5 and in the discussion of Wildlife and Fisheries Resources, for the location of bird farms and shooting preserves, one might consider riparian areas, heavy brush and breaks country, to include also farm ground well away from valley bottoms, and CRP lands. This is important to note because more and more of this type of land is being leased and or is in a gun fee situation. This PEIS does not really take into account some of these occurrences and arguably by permitting or promoting, by lax regulation and direct FWP involvement with game bird farms and shooting preserves, we are directly contributing to the lose of public hunting opportunity. This makes good sense when on the other hand we are trying to preserves public hunting with the Block Management Program.

Page 3-6, hints at, and begins the discussion relative to pheasant and sharptail interaction in and around sharptail leks and nesting areas. This is mentioned again on page 3-9. Sharptails are a native bird to Montana, pheasants are not. If this interaction would prove to be negative in any way, would there be any doubt about what direction this should lead us?

Diseases as discussed on page 3-7 and 3-8, and as the situation exists today appears to be one of the greatest downfalls FWP or the Department of Livestock could have possibly contributed to the wild bird populations existing in the state. Currently game bird farms and birds released in the wild need no NPIP certification, while birds brought into the state require this certification. Why is this? Forgive my ignorance here, but I am to believe that the Department of Livestock tracks and checks every crate of young chicks that comes into every small town Post Office in this state? These two situations taken in concert are a potential environmental disaster waiting to happen. Would we be so naive with fisheries or big game disease issues, I should think not. We will not even get into the genetics issue.

Under game bird stocking found on page 3-9, there is discussion of harvest rates of stocked birds over time relative to the time of year they are released. It appears that harvest rate of wild birds on some shooting preserves has the potential to greatly outnumber the numbers of stocked birds taken outside a shooting preserve. (Actually this may be desirable when the potential for disease and genetic contamination are taken into

2-F Tracts of land utilized for shooting preserves would remain within an agricultural tax basis if over 20 acres in size (green belt status) and certainly if over 160 acres in size. The classification of land as residential, commercial, or industrial would require, in most instances, the building of structures or improvements on the land which is not normally the case with shooting preserves.

2-G The licensing and renewal fees collected from shooting preserves and from game bird farms go into the Department of Fish, Wildlife and Parks license fund.

onse to Comments.

account). When one couples this with the 3 percent annual survival rate of stocked birds, it becomes apparent that the average sportsman may be subsidizing the average shooting preserve. The question then becomes one of credibility viz. how would we be viewed if we allowed this to happen relative to private fish ponds or big game farms?

Access and Land Use, on page 3-12, last paragraph in this section, insinuates that the amount of land tied up in shooting preserves is rather small and taken in this context certainly an argument easily won. However these numbers may be more revealing in the contrary. One cannot assume that all of the private land is suitable for a shooting preserve, nor is it upland bird habitat. This could be the case either by economics, location, type of land or any number of other variables that would make land not suitable for shooting preserves. If one assumes that forty percent of the private land falls under this distinction then the relative number of acres actually occupied by shooting preserves actually increases significantly. Land cannot be made, however shooting preserves can and we would be wise to keep that in mind. This does not take into account gun fee areas, which could certainly be viewed as a form of unregulated shooting preserve.

2-F On page 3-14, Government and Public Finance, the discussion of appraisal value of agricultural land relative to size and use. A question comes to mind and that would be in what instance would a tract of land in a shooting preserve status move from agricultural taxable value to commercial value? And along the same lines on page 3-15, Upland

2-G Game Bird Farms and Shooting Preserves, where do the fees go that are collected relative to these economic ventures? This was not clear in the text – general fund or to FWP?

CHAPTER 6, MFWP Preferred Alternative.

Given the opportunity at hand and the serious implications of inaction or incomplete action on FWPs part, we should strive to tighten up the regulations. Our main concern should be native wildlife, the health of our non-native yet established and successful bird populations and the preservation of free public hunting for public wildlife. If we cannot accomplish this then we will have failed in our charge. With that I would respectfully suggest that the following be included into the preferred alternative:

- Include permit to posses and release pheasants, along with the field trial process in this alternative, to include additions and changes to the application process that were mentioned earlier,

k you for your comments

Comments.

nt of Livestock does have responsibility for conduct of Montana. As game bird farms are added to the NPIP the lead agency in administration of the program on will be impacted in terms of financial and human ons have been ongoing between DoL and FWP on NPIP program on game bird farm facilities.

nize NPIP testing that has been conducted by qualified on requires completion of a training program through the tock. Qualified individuals may include game bird farm authorized to perform the stained –antigen, rapid, whole

eggs or newly hatched chicks is an NPIP participating d farm operator acquires **all** stock from that source, the m the source of origin will suffice for NPIP certification e game birds.

y little historical or disease surveillance on existing wild ns other than that accomplished for migratory game aks of botulism or avian cholera. Detection of individual d free-ranging populations is at best difficult due in large avioral responses and or the acute nature of specific s not test free ranging wild game birds for *Salmonella.*

your comments.

- No categorical exclusions from MEPA review for any of these programs, period,
- No new game bird farms within currently occupied habitat, to include no transfer of licenses from current holders to a new business owner,
- No new shooting preserves in currently occupied habitat, with the same restriction on license transfer as above,
- No hen pheasants released or taken on shooting preserves, all cock pheasants to be marked prior to release,
- Report all wild birds taken,
- All game bird farms in Montana and all game birds released, regardless of source stock, must be must be NPIP certified,
- No permits to release pheasants in currently occupied habitat, CRP land or land where a gun fee is charged,
- Shooting preserve season no longer that the regular bird season.

Tim, I fully realize that the situations which exist today relative to the game bird farms, shooting preserves, permits to possess and release and field trials are not your doing. So please do not take any of this criticism personally, just seriously. Thanks for the opportunity to comment.

Respectfully,

Thomas B Flowers
Montana State Game Warden
Choteau, MT
406-466-5631

cc
T. Hill
G. Olson

n made in the table.

f Table 3-1 was to list
t gamebird diseases. Our
le were Schwartz (1995)
hese books should be
ed accounts of diseases
plus many more diseases
-1 also illustrates that
nly addresses two
ortant diseases. Most
ed game birds are
ding and unsanitary
ut there is potential for
of other diseases from
wild birds and the spread
t vectors.

Letter 3

DEPARTMENT OF LIVESTOCK

MARC RACICOT, GOVERNOR
PO BOX 202001
STATE OF MONTANA
BRANDS ENFORCEMENT DIV 406-444-2045
ANIMAL HEALTH DIV 406-444-2043
BOARD OF LIVESTOCK CENTRALIZED SERVICES 406 444 2023
MEAT, MILK & EGG INSPECTION DIV 406-444 5202
HELENA, MONTANA 59620-2001

MEMO

To: Tim Feldner, MFWP Commercial Wildlife Permitting Program Manager
From: Thomas F.T. Linfield, D.V.M., Assistant State Veterinarian
Date: February 28, 2000
Subject: Game Bird Farm and Shooting Preserve Programs- Comments on Draft Programmatic EIS

General comments/ questions:

3-A 1) In the program alternatives, alternatives C and D included mitigation measures requiring NPIP participation. The responsibilities and probable financial and human resource impacts on the Department of Livestock, which administers the NPIP program in Montana, were not addressed in the Draft PEIS.

3-B 2) Provisions of the NPIP allow for the Official State Agency (Department of Livestock) to designate qualified persons or authorized agents to do the sample collecting and blood testing. Currently in Montana, qualified persons include Department of Livestock veterinarians, practicing veterinarians, as well as game bird farm owners. Will the Department of FWP recognize the NPIP testing performed by all qualified persons? (i.e.- game bird farm owners trained and authorized to perform the stained-antigen, rapid, whole-blood test).

3-C 3) Some game bird farms may purchase all of their eggs or newly hatched chicks. As such, they may not have test eligible birds to perform blood testing on. Provided the source of the eggs or newly hatched chicks is an NPIP participating flock, will additional testing be required prior to release of these birds?

3-D 4) Is there historical or current disease surveillance on existing wild game bird populations in Montana? Specifically, have wild game birds been tested for *Salmonella pullorum*, *S. typhimurium*, *S. gallinarum*, etc?

Specific comments:

1) Chapter 3, page 8: (Table 3-1)

3-E

- "Fowl colera" should be "Fowl cholera"
- Mycoplasmosis is listed as not having a diagnostic test for NPIP, when in fact there are several standard testing procedures for Mycoplasma. The screening tests include: serum plate agglutination, tube agglutination, and ELISA. Additional tests available for further evaluation include: serum plate dilution and hemagglutination inhibition. Mycoplasma infections generally occur in turkeys or chickens; however, *M. gallisepticum* has been reported in partridge, pheasants, quail, ducks, and pigeons.
- "New Castle" should be "Newcastle".

3-F

- In addition to the diseases listed in table 3-1, several other diseases potentially affecting game birds, such as listeriosis, avian encephalomyelitis, capillariasis, candidiasis, paratyphoid, hexamitiasis, and ulcerative enteritis were not included in the table. Was the intention to list examples of common game bird diseases, or try to include all significant game bird diseases?

Response to Comments.

Thank you for your comments.

Response to Comments.

tter 4

Western Game Bird Association Questionnaire
Regarding MFWP Draft Programmatic Environmental Impact Statement
Concerning Game Bird Farms and Shooting Preserves

RECEIVED
JAN 1 9 2000
LAW ENFORCEMENT

Name: Tim Wiediger (Manager) Fetch-Inn Hunting Preserve
Address: 138 Highland Drive
City: Cornwallis State: MT Zip Code: 59828
Phone #: Home: 406-961-8361 Work: 406-363-5111 Fax # 406-363-6274 Email dwiediger@cybernet1.c

Would you like to be placed on a email or mailing list concerning the PEIS? Yes X No ___

1. Which Alternative described in the PEIS do you support? (Please check one)
Alternative A (No action Alternative) X (PEIS Chapter 4 page 4-1)
Alternative B ___ (PEIS Chapter 4 page 4-1)
Alternative C ___ (PEIS Chapter 4 pages 4-1 through 4-4)
Alternative D ___ (PEIS Chapter 4 pages 4-5 through 4-5)
Please comment below on specific issues or concerns you have regarding your choice above.
I do not believe that shooting preserves or game bird farms have any impact on the environment. If anything they help establish bird numbers that benefit everyone.

The MFWP Preferred Alternative has selected a combination of alternatives C and D as the preferred alternative to game bird farms and shooting preserve program management. Please respond to the following questions below:

Do you support other changes for shooting preserves to include:

1. Require all game birds released in Montana to be blood tested for pullorum-typhoid or come from an NPIP certified game bird farm. (Mitigation Measure C-1)
X I do support the above statement
___ I do not support the above statement
Please write any comments below:
I do believe that birds released should be tested to insure good health Prior to release.

Thank you for your comments.

Response to Comments.

2. No release of turkeys pending a change in statues. (Mitigation Measure C-2)
I do support the above statement
X I do not support the above statement
Please write comments below:
I feel that the release of turkeys is a good idea it adds to the wild population, in some cases establish a population were there is not one but should be. I do think that the release should be of the specie that exists in the area.

3. Denial of new shooting preserves in areas that support established wild game bird populations, unless licensee agrees to harvest only rooster pheasants (Alternative C-3a) release game birds on a daily basis as needed to meet customer demand (Alternative C-3b), and distinguish pen-reared birds from wild birds for monitoring purposes (Alternative c-3a).(See Mitigation Measure C-3 for entire proposals)
I do support the total statement, above
X I do not support the total statement above
I do not entirely support the statement above
Please write comments below:
I do not feel that hunting preserves have any impact on wild bird populations. If anything they help the populations.

4. New shooting preserves located within one mile of a known Columbian sharp tailed grouse lek or wint area would be required to operate under an approved plan for releasing pheasants that would protect nativ grouse populations.(Mitigation Measure C-4)
I do support the above statement
X I do not support the above statement
Please write additional comments below:
I do not believe that pheasant released would affect the Columbian sharp tailed grouse populations.

5. Propose rule changes to increase the license fee for game bird farms from $25 with a $15 renewal fee t with a $50 renewal fee.(Mitigation Measure D-1a)
I do support the above statement
X I do not support the above statement
Please write additional comments below:
The game bird farms provide employment for montana workers they do not need extra fee's no matter how small.

Thank you for your comments.

Response to Comments.

surcharge. The funds raised from a surcharge would be used to [illegible]
secure access to public hunting. (Mitigation Measure D-1b)
__ I do support the above statement
X I do not support the above statement
Please write additional comments below:
The shooting preserves spend their own money to run their operations they should not have to pay higher Fee's or surcharges.

7. All shooting preserves would be required to release a minimum of 300 birds of each species per season. All birds released must be at least 16 weeks old and be fully feathered. (Mitigation Measure D-2)
__ I support the total statement above
X I do not support the total statement above
__ I do not support the entire statement above
Please write additional comments below.
Shooting preserves pay for the birds they release & should be able to release birds as they see fit for their customers.

8. Game birds would be defined in the statutes to include upland game birds and migratory game birds.(Mitigation Measure D-6)
__ I support the statement above.
X I do not support the statement above
Please write additional comments below
Valley Quail (California Quail) should be included

9. Game farm birds would be defined in the Administer Rules of Montana to include ringneck pheasants, bobwhite quail, chukar partridge, Hungarian partridge and Merriams turkey. Statutory changes in definitions could not be accomplished until 2001.(Mitigation Measure D-6)
__ I support the statement above
X I do not support the statement above
Please write additional comments below
Valley Quail (California Quail) should be included

Thank you for your comments.

ter 5

Feldner, Tim

From: algadcury@gomontana.com
Sent: Tuesday, February 01, 2000 10:53 AM
To: tfeldner@state.mt.us
Subject: Comment on Game Bird Farm and Shooting Preserve EIS

Dear sir

Shooting preserves should be open year round. They help the local economy and are a great place to train dogs and take young people hunting. I have hunted on preserves for years and have not seen them effect wild birds in any way. The many preserves in MT reduce hunting preasure on public and private lands that are now open to hunting.

Sincerely

Allan W. Gadoury

1

Response to Comments.

Thank you for your comments.

Response to Comments.

etter 6

DAWSON COUNTY ROD & GUN CLUB

312 Cooke
Glendive Montana 59330

Phone (406)-365-8841

RECEIVED
FEB 2000
STATE CORRESPONDENCE

January 29, 2000

Dear Tim Feldner:

In regards to game birds farms shooting preserve etc. We am very strongly opposed to any type of game farm. Any time a private individual is allow to raised game for personal gain it is taking away form the all of us. The recent problem of C.W.D. in the elk farms is a good example: The sportsmen did not benefit at all from the profits the farm would have received, but now have the possibility of unmeasureable loss to the sportsmen if the disease get into the wild population. Also many sportsmen's dollars are being used to clean up the mess the game farm created, this is a outrage. The Department of Livestock and the individual ranch should be sued to recover all loses and money spent including the loses if the disease does get into the wild populations. This is why we are opposed to any type of game farms! If game is to be raised in captivity it should be done by the F.W.&P.s Department only; not by individuals looking to profit off the publics wildlife.

Sincerely:
Henry Mischel

Henry Mischel

Thank you for your comments.

Response to Comments.

7-A The number of shooting preserves in Montana is small relative to the size of the state. Impacts of shooting preserves are expected to be confined to localized areas and would not be detected by FWP's statewide gamebird monitoring efforts. Impacts to wildlife resources are discussed on pages 3-5 through 3-10 of the PEIS. FWP has not specifically studied the impacts of repeated releases of pen-reared pheasants on wild pheasants or native grouse species. Impacts discussed in the PEIS are based on gamebirds life history information, survival data on pen-reared and wild gamebirds, diseases of pen-reared birds, behavioral traits of pen-reared and wild gamebirds, and comments received during interviews with gamebird biologists.

7-B The latest tabulated information concerning the number of pen-reared birds released and the number harvested on shooting preserves is from the season running from September 1, 1997 to March 31, 1998. During that season, there were 22,583 birds released and a total of 8,225 birds harvested by 1,987 hunters. That data was collected from the records of 45 shooting preserves.

7-C Responses to these comments are addressed in 7-A and 7-B above.

Thank you for your comments.

etter

02/01/00

Tim Feldner
Program Manager
MFWP
1420 East Sixth Ave
PO Box 200701
Helena, MT. 59620-0701

Dear Mr. Feldner,

I have reviewed your Draft PEIS regarding Game Bird Farms and Shooting Preserve Programs. For the most part, I find your review to be accurate and the various recommendations reasonably well thought out. I would like to suggest that your review has captured most of the important data, but has failed to capture some very basic and in most cases readily available data necessary to draw more informed conclusions. Please consider the following;

- After removing all the items that your report acknowledges are not impacted, it nets down to four issues;
  1. Availability of land access for public hunting
  2. Concern over the release of diseased birds
  3. Impact to the Wild Bird Populations due to the presence of Preserves
  4. The levy of additional fees for preserve licensing

1. ***Availability of Land Access for Public Hunting:*** Your study (Page 3-12) reflects that there are only 45K acres or .05% of total acreage being utilized as shooting preserves. Obviously this is a *perceived* problem, not an actual reflection of land use. This same perception is expressed by residents when discussing other legislative issues such as the Non-Resident -Upland Bird Hunting Lottery (HB478). The overall perception is that Outfitters/Preserve Managers are leasing all the "Good" properties. Given the total amount of acreage this is also not accurate. So what is the real issue? I suggest that populations of birds exist where they have been best managed. Residents site these populations and then attempt to hunt these properties only to find that they are leased/managed properties. They then conclude that the "Good" properties have been acquired..... ***not created***. If you review the surrounding states where successful game management programs have been implemented you will find that only when the state and private sector work together can adequate populations (of non-indigenous species) be maintained for the benefit of all hunters.

Eagle Nest Lodge

P.O. Box 509, Hardin, Montana 59034 (406) 665-3711

Response to Comments.

Programs such as the uninhibited release of game birds 12 months a year by land owners and managers, grants and supplementation programs which include preserve managers as well as private parties and public fee based hunting programs subsidized by state revenues and managed by private enterprise are the key to winning the *perception* battle. This battle will continue regardless of the programs implemented as long as we continue to believe that hunting is a right (paid for by the state) and not a privilege (contributed to by the user). The same people that pay hundreds of dollars for field attire, guns, ammunition and equipment ($310 million in hunter related retail sales Page 3-13) must pay reasonable fees for the privilege of consuming these (not so natural) resources.

2. ***Concern over the release of diseased birds:*** Great idea. Require all birds released in Montana to be blood tested or come from an NPIP certified farm.
3. ***Impact to the Wild Bird Populations due to the presence of Preserves***

7-A

- In order to accurately understand the impact of shooting preserves there must be a reasonable census of wild bird populations in 1989 when there where 8 preserves operating in Montana and the population of wild birds in 1999 with 71 preserves operating. Without this information, no reasonable impact can be assessed.

7-B

- Information regarding the number of birds released vs. the number of birds harvested by these preserves is filed each year by each manager. The PEIS study does not reflect these totals. How can an Impact study on Game Preserves not include such critical information? Please allow me to contribute some data on the game preserves we operate;
  - A total of 668 Pheasants released (618 Male - 50 Hens)
  - Total Harvested 189 (188 Male 1 Hen) or 28%
    - Important Note: Our Outfitters report will reflect a harvest of an additional 164 "Wild Birds". By law we are required to report any birds harvested off the preserve as "Wild", even though these birds where either flushed or dispersed from the released population on the preserve. Our preserves are located centrally to our total hunting properties. Even including these birds in our totals it equals only 353 birds harvested or 53%. I know of only 6 wild birds actually harvested based on birds not having pierced septum's from the peepers we apply. Problems in Reporting?

There are as many survival/dispersal studies as there are game birds, reflecting anywhere from 1% to 15 % survival rates and 1 to 50 miles of dispersal depending on climate, food sources, terrain and hunting pressure. Using your estimate of a 3% survival, clearly we are having a long term positive impact on the net populations surrounding our preserves, both on land we lease and on adjacent private land.

Comments to be responded to:

7-C

- Study is incomplete without wild bird population estimates form 1989 to 1999.
- Study is incomplete without Released vs. Harvested data for shooting preserves.
- Study is incomplete without field studies of bird populations adjacent to shooting preserves vs. other ***natural unmanaged*** habitats.

Thank you for your comments.

Response to Comments.

4. ***The levy of additional fees for preserve licensing:*** Your report (3-15) reflects that 75% of people hunting on preserves are non-resident and account for $123,000 of license revenue vs. $6,850 contributed by residents. Without the non-resident monies state programs would be almost non-existent, but current legislation is doing everything possible to kill the influx of non-resident hunters. Remember upland bird hunting is a renewable resource (i.e. managed release programs) The levy of additional fees is completely backwards thinking. What if some of these monies where returned to the preserves in the form of subsidies for the opening of portions of these well managed habitats for public/resident hunting. Do we really believe that given the aging and reducing resident hunting population (3-10, 3-12), that there will ever be sufficient funds for the state to even begin to manage bird populations on a significant scale?. The resident hunter should thank these 71 preserve managers for their contribution to state programs, not levy additional burden on them.

Summary: As many states have learned the management of non-indigenous species and even most native species. with the increase in agricultural land pressure and other growth related impacts is a near impossible task. The efforts benefit only a small percentage of the total population and therefore make supplemental funding sources extremely difficult. The hunter must carry their bag. Private enterprise, though seen as the villain initially, usually becomes the hero (or at least the mentor) for the eventual success of sustaining programs. Support us, talk to us, work with us and all can benefit from the results.

Your time and consideration is appreciated.

Scott Moscato
Managing Partner
T&M Recreations
Eagle Nest Lodge

Thank you for your comments.

Letter 8

February 4, 2000

Tim Feldner
Commercial Wildlife Permitting Program Manager
Montana Department of Fish, Wildlife, and Parks
1420 east Sixth Avenue
P.O. Box 200701
Helena, MT 59620-0701

Dear Mr. Feldner:

For the record I am Don Pyrah. I currently have a small shooting preserve, 240 acres in size, and I have a well-established clientele of primarily residents of this great state. I do have occasional use by some non-resident hunters, but they are not the people the MDFWP and the resident sportsmen desire to deny hunting opportunities in Montana. You boldly state in the EIS, that 75% of shooting preserve use is non-resident. Where is the documentation to this? I find it quite disturbing that I must on increasingly frequent occasions write letters to a government that seems intent on destroying one's self-determination.

My wife and I live on a third generation ranch with our two young boys. I hope to leave them this ranch, and the desires to live, work, and play in the great outdoors. We have tried to diversify our ranch income in these last several years of agricultural uncertainty to help maintain viability of our operation in the short-term and well as the long-term. The programmatic EIS that the MDFWP released for review shows me the agency desires to diminish one's ability to try and survive in a viable family agricultural operation. How many hunting opportunities exist at Ted Turner's or David Letterman's ranch? Are the needs of sportsmen better served by small ag operations or selling to these types of these individuals? Please tell me Mr. Feldner, when the preferred alternatives are implemented, how many of these small shooting preserves will remain?

I currently wish to expand to a few more clients, but given my review of this document, I am quite certain I would have to actively pursue additional clients to make this possible. It seems that the MDFWP is listening mostly to our resident sportsmen. Their powerful lobbies seem to be directing the MDFWP where to go. Just look at Block Management. Funded primarily by non-resident dollars, many residents just can't wait to get the non-residents out of here.

I can't quite figure out the justification for determining that we have a major problem with game bird farms and shooting preserves that currently affects less than .1% of private land! Shooting preserve availability can be, in the future, one of the avenues left for **ANY** person to hunt. Access is getting harder to obtain, even though the BMP has so far been a huge success. Where do we go from here?

Point-by-Point Summation of the preferred alternative:

- **Mitigation Measure C-1:** I agree with
- **Mitigation Measure C-2:** Does not effect me now or in the planned future
- **Mitigation Measure C-3a:** By limiting the sex of harvested birds on a shooting preserve, the MDFWP significantly increases the costs of the individual owning the shooting preserve? Who is going to pay for the hens that are released? The way trickle down economics works, the user eventually will, the man and his son, regardless of residency, who uses the preserve looses.
- **Mitigation Measure C-3b:** I currently practice this type of release program anyway. The only problem here is many of the large preserves who are willing to take increased predation on pen-raised birds, are trying to provide a near wild bird experience. If they are willing to do that, why mandate daily releases.

Response to Comments.

Thank you for your comments.

- **Mitigation Measure C-3c:** What will be next to identifying them? This measure seems reasonable enough until you think of catching 300 pheasants and toe clipping them. Ever done that before? Let's be reasonable. Additionally, what reason is there to limit locations of preserves away from existing habitat? By doing that you are assuring predation on the released birds. Are we going to allow release in any habitat that looks remotely like pheasant habitat or are we going to have preserves on high bare ground.
- **Mitigation Measure C-4:** I agree wholeheartedly with. I am a bird hunter also.
- **Mitigation Measure D-1a:** does not affect me
- **Mitigation Measure D-1b:** An increase is probably in order, but not on that magnitude! Your statement to offset program costs, improve habitat, and **SECURE** hunting opportunities only says we WANT TO DECIDE WHAT TO DO WITH SOME MORE OF THE **MONEY** THAT I earned for you! These nonresident hunting lease people aren't even paying that much, and this is for a shooting preserve. I have a state-grazing lease that only costs me 1.50 acre and returns **A LOT** more on the investment!
- **Mitigation Measure D-2:** This is completely unreasonable, and needs to be thrown out in its entirety!! Again you are going to put small preserves out of business.
- **Alternative D-3 and D-4:** In favor of this.
- **Alternative D-5:** In Favor.
- **Alternative D-6:** I do not believe that bobwhite quail should be listed as a game bird in the state of Montana. They have no opportunity to survive our winters. My primary concern is that by listing them as a game bird they could only be used from Sept 1- March 31, on a licensed shooting preserve. What about the needs of those who wish to train dogs or conduct field trials outside of the preserve season? They **SHOULD NOT** be listed as game birds, unless the MDFWP addresses the needs of these groups of people.

Thank you for your time concerning my comments on the EIS.

Sincerely,

Don E. Pyrah

Response to Comments.

Thank you for your comments.

Response to Comments. etter 9

Hagenbarth Livestock
Jim Hagenbarth
PO Box 1128
Dillon, MT 59725

February 10, 2000

Tim Feldner
Commercial Wildlife Permitting Program Manager
Headquarters
1420 East Sixth Avenue
PO Box 200701
Helena, MT 59620-0701

Dear Tim:

Please find below comments in regard to the PEIS and the "MFWP Preferred Alternative" concerning game bird farms, game bird shooting preserves, and general possession and release of game birds. Hagenbarth Livestock uses cattle as a management and an income producing tool to provide stewardship on the lands we own and control in southwestern Montana. We take seriously our obligations to be good stewards, but realize that diversification is necessary if we are going to survive. We must employ all economic options to prosper as a vialable livestock operation that ultimately protects the wildlife habitat and rural nature of this state. We own about 16,000 acres of deeded land and control another 32,000 acres of BLM and State land in Montana. Of this deeded land, we only limit public hunting on 6% and do not block public access on 1 acre of BLM or State, although we could. There are no restrictions on fishing and we control several miles of access to the Big Hole River. Our deeded land and the forage on the state lands we lease provides thousands of dollars worth of wildlife habitat and forage which the citizens of Montana, the MFWP and the hunters does not pay for.

In an attempt to generate income, we are in the process of developing a viable shooting preserve in an area where pheasant populations are essentially nonexistent. There are no other wild bird populations of any significance present. We are in an area in the Glen valley that has little snow, tremendous cover and the potential to develop feed sources that would sustain viable populations of pheasant. With advice of sportsmen, the extention service, local MFWP employees and competent game bird suppliers, we believe this task can be successful. Not only will this generate needed income, it will promote good wildlife habitat and a pheasant hunting opportunity in an area it does not exist. Resident hunters have made it very clear that they are extremely interested in paying for this opportunity, but they do not want to come out and shoot sitting ducks. Within the context I have outlined, I will make comments in regard to this PEIS and the "preferred alternative".

Comments on Checklist for Determination of No Environmental Impact Table 4-1

1

9-A Much of the literature on pheasant introductions is old because state wildlife agencies in the 1950s through the 1970s made an effort to evaluate the effectiveness of their pheasant stocking programs (Weigand and Janson 1976). As a result of these studies, many states discontinued pheasant stocking programs. Potential for interspecific competition was noted early in the pheasant introduction effort and in the case with the prairie chicken, the mechanism for competition between the two species has been more recently investigated (Westemeier et al. 1998, Shackford in press). More information on the impact of pheasants to other gallinaceous birds has been added to Chapter 3 in the Final PEIS.

9-B Pheasants were introduced to the Westemeier et al. (1998) study area prior to his long-term study on pheasants and prairie chickens. Westemeier et al. state "Our results support recommendations against introducing or managing to increase pheasants in areas supporting remnant flocks of prairie chickens". Pen-reared pheasants are not subject to environmental variables when raised in captivity and the number of birds released into the wild is based on the shooting preserve operator's economic assessment - not on habitat conditions. Native grouse and wild pheasant numbers an expression of a variety of environmental factors. Repeated releases of large numbers of pen-reared pheasants has the potential to compete with native grouse.

9-C Establishment of pheasants in Montana was a slow process of a quarter century of repeated releases (Weigand and Janson 1976). Ultimately naturalized pheasant populations were established in Montana that were adapted local climate conditions and were self sustaining. More information on the potential for genetic dilution of wild pheasants from the repeated introductions of pen-reared pheasant has been added to Chapter 3.

Thank you for your comments.

Response to Comments.

Impact Assessment

Potential Introduction of new game bird species-

1a) In the case of pheasants, it is not acceptable to introduce birds that are significantly different than those populations that already inhabit the state. This is particularly important in regard to color. Some pheasants are raised that are white. This would not be acceptable.

2a) Any introduction of a new species not already in the state, should be considered very closely and require an EA or EIS

Changes in diversity or abundance of wild bird populations

1b)The PEIS on page 3-6 identifies three native grouse of concern: sharp-tailed grouse, ruffed grouse and sage grouse. The author of this PEIS on page 3-9 under Interspecies Competition and Hybridization, reacts to the literature cited in a way that is negative to the establishment of shooting preserves where these grouse of concern may reside. If this criteria is held, it would allow the MFWP to limit shooting preserves and their competition with the agency. Some of the literature cited was 40 to 60 years old and Westemeier did his work on prairie chickens in another state and not on the grouse of concern. As the PEIS author admits, this same relationship has not been documented with the grouse of concern, especially the sharp-tail. The requirements and habitat needed for the grouse of concern (as identified on 3-6) and the habitat used by ringed-necked pheasants (as identified on 3-7) is quite different. It is doubtful that either would live in close enough proximity in the required numbers to bring about any problems due to nest parasitism. If the concern expressed in the PEIS is valid and native birds were to take priority, then it would be appropriate to liberalize seasons in areas where this occurs and wild pheasant populations are the present.

9-A

2b) The author continues to use Westemeier's work to attack the establishment of shooting preserves where other grouse reside. The dialogue in the PEIS on 3-9 insinuates that released pheasants are not subject to the same environmental conditions as wild grouse and would therefore out compete them. The Westemeier article cited in the bibliography deals solely with parasitism of Greater Prairie-chicken nests by ring-necked pheasants. This article does not reference released pheasants, wild grouse species in Montana, or the results of competition for habitat or food sources. This study was done in Illinois. It is very inappropriate and misleading to use this study as the author has done in this PEIS.

9-B

3b) In the last paragraph of 3-9 and continued on 3-10, the author talks about the genetic differences of wild vs. hatchery pheasants citing that genetic dilution could hurt the survivability of wild pheasants over time. The author cites literature by Leif as a reference. In the literature cited, Leif studies the survival and reproduction of wild and pen-reared ring-necked pheasant hens and does not mention in one place genetic dilution as the author claims. In his study Leif released 11 month old hens in the spring and compared their nesting success with wild birds. In Montana under the shooting preserve conditions that prevail, birds are released in September and few hens are producing the

9-C

9-D Responses to these comments are addressed in 9-B and 9-C above, and in text changes in Chapter 3.

Thank you for your comments.

following spring, therefore the reference is not applicable. Summary. The literature cited does not warrant the concern that the department has with this topic in Table 4-1. I would be hard pressed to think of a case where changes would occur that would create a potential significant impact. Consideration should be made of removal of this topic from the check list.

Potential introduction of disease to wild game birds (if birds are not NPIP certified)

1c) It is extremely important that any bird released in Montana be disease free. All birds should be required to come from NPIP certified flocks. Birds raised on game bird farms or by any individual in Montana should not be exempt. All imported reproduction of any nature must come from a source that is NPIP certified.

Abundant wild game bird population in the area suitable for hunting

The PEIS has three basic concerns in regard to the presence of shooting preserves where wild bird population already exist: interspecies competition, hybridization and the illegal harvest of wild pheasants. 1d) interspecies competition was discussed above in comments 1b) and 2b). 2d) Hybridization. The PEIS in the last paragraph on page 3-9 and continuing on page 3-10 came to the conclusion that hybridization and genetic dilution caused by releases on preserves near wild pheasant populations is a problem. The study by Leif (94) was used as documentation. Leif's work dealt with the release of 11 months old hens in the spring and compared their reproduction and nest success with wild hens in the same area. No where in the study did Leif talk about hybridization or genetic dilution resulting in a pheasant population being less adapted to the natural habits and climate of a specific area and being expressed as lower pheasant numbers. Leif did state that he felt increased predation due to the presence of pen raised hens could affect wild populations, but did not mention anything about genetic dilution affecting the ability of offspring to survive. Leif suggested that pen reared pheasant hens should not be released in habitats containing wild ring-neck pheasants, but he had no scientific basis for these comments as he indicated in the beginning of the same paragraph: ("Although this study and those conducted in the United Kingdom and Sweden included use of control (wild) hens, none measured effects of pen-reared hen introductions on wild hen survival and productivity"). In regard to increased predation, Leif mentioned the possibility, but did not study it. The position taken in the PEIS in regard to these issues is not substantiated by the literature cited and consequently the true impact of the concerns in regard to this checklist item are in question. It seems that the problem with pen-reared birds in regard to survival and successful reproduction has more to do with lack of predator recognition rather than genetic dilution and hybridization (Leif 1994) (Krauss et al. 1998) (Robertson 1988). There were not studies cited that reproduction from a pen raised cock on a wild hen in the wild resulted in less productivity. A Minnesota study revealed the difference in survival between stocked pheasants having game-farm ancestors and stocked pheasants having wild ancestors (Johnson 1972). Significantly more birds of game-farm ancestry than of wild ancestry were shot. In another Minnesota study, pen-reared young of wild birds were released in an area where 90 percent of the wild population had been wiped out by a

3

9-D

Response to Comments.

Thank you for your comments.

9-E The reduction in public hunting opportunities brought about by the increase in shooting preserves refers to the traditional opportunities available through permission and/or trespass fee on private lands. With the increase in shooting preserves, albeit limited by the 10 mile radius rule, many of those private lands with good upland bird populations once accessible fy the public may become inaccessible because they have been permitted as private shooting preserves. In other cases, the per bird payment required on commercial shooting preserves may not be the experience that the public recreational enthusiast is seeking.

9-F Table 4-1 in the draft PEIS, a suggested environmental checklist, was eliminated in the final PEIS to further streamline the process. The only reference to CRP lands in the draft was in this table. The USDA has now developed policy concerning commercial shooting preserves on CRP land in "Notice CRP-380." That policy allows shooting preserves on CRP land as long as: 1) the shooting preserve is licensed by FWP, 2) the shooting preserve is operated consistent with applicable FWP rules, 3) CRP cover is maintained according to the conservation plan, and 4) no barrier fencing or boundary limitations exist that prohibit wildlife access to or from the CRP acreage.

Thank you for your comments.

severe storm in winter of 1968-69 (Berner 1974). After two years of releases, the stocked areas had no more birds than similar unstocked areas. Some of the progressive game bird farms are aggressively seeking genetics that promote survival and birds that are more flighty and make for a better hunting experience. This with a combination of development of good habitat will make a difference in released bird survivability. There are two 32 distinct species of ring-neck pheasants and essentially all birds released on our shooting preserve are F1 crosses. Comments by the game bird farm industry will more fully explain the reason why genetic dilution or diversity is not a problem.

3d) Illegal harvest of wild pheasants. The PEIS expresses a concern about shooting preserves in areas where wild pheasant populations exist because wild birds would be harvested on the preserve during times other than the general hunting season. This will undoubtedly occur to some extent, but will be directly related to the quality of habitat. If a shooting preserve has poor habitat, few wild pheasants will be present. If the habitat is good, then wild birds will be present in a direct relationship to the quality of habitat on the preserve, on areas surrounding the preserve, and on the amount of hunting pressure. If there is good habitat surrounding the preserve, then the pressure from hunting the preserve will encourage wild pheasants to move to the good habitat that has no pressure, resulting in fewer wild birds harvested. The majority of wild birds harvested outside of the general season will occur on shooting preserves where management supports and improves habitat for the benefit of the pheasant and the surrounding habitat is not as good. This in itself will attract wild birds, but will result in better overall bird survival even if some wild birds are harvested. The key to healthy pheasant populations is good habitat because it decreases yearly mortality from all causes and increases yearly reproduction. This is a known fact. In light of the above discussion, the only time wild birds would be occasionally taken is when a shooting preserve has good habitat, there are wild birds present, and the surrounding habitat is poor. A landowner should not be penalized because he has developed good habitat for pheasants, regardless of the reason. The net affect will be more birds. The survival rate of released birds will be higher and the reproduction of wild birds will be greater. The key is the survival of the hens, and this will be discussed later under mitigations. The concern of the Department is that shooting preserves will attract wild birds because of good habitat, but the fact of the matter is, the overall benefits will be greater with the development of good habitat, regardless of the harvest of some wild pheasants. Loss of habitat has a much greater impact than loss of a few wild birds. A Minnesota study reveals that significantly more birds from game-farm ancestry are shot than from wild ancestry (Johnson 1972). The incidence of wild bird populations should seldom have a potentially significant impact in the analysis of the checklist.

Criteria for Immediate Denial of License

Will result in substantially reduced public hunting opportunities in the area

1e) Shooting preserves are on deeded land. By law, landowners have to accommodate a reasonable numbers of wildlife, but do not have to provide feed or habitat as a condition of owning land in Montana, except as required by the Endangered Species Act. The

people of Montana do not compensate the landowner for the habitat and feed he provides to wildlife. Damages to private property by wildlife are not paid for by the people of Montana. Some assistance is given to limit wildlife damage (providing fencing materials) and some programs partially compensate for access (Block Management). A majority of the critical wildlife habitat is on deeded land. Real and personal property taxes paid by the landowners within rural counties provide the majority of the moneys that support the infrastructures which provides the services and transportation routes used by the public to access lands within the counties. Hunting license fees pay for the management of the wildlife within the state by the MFWP. These licensee fees do not grant an access right to private land, nor do they directly pay for wildlife benefits generated from private land. The majority of the habitat and feed base supporting the pheasant population in Montana comes from agricultural land, not public land. Since the hunter does not have an automatic right to hunt on deeded land, and deeded land provides the majority of the pheasant hunting, it would be impossible to substantially reduce public hunting opportunities by granting a shooting preserve permit on any deeded land within the state. To the contrary, shooting preserves add opportunities to those who seek them. They broaden the window of opportunity by 4 to 5 months and may actually decrease the cost to an individual hunter, if hunting requires going long distance within the state. In no way should the criteria of reducing public opportunities in an area be used to deny a shooting preserve. 2e) On page 3-12 and under Access and Land Use in the PEIS, shooting preserves presently affect approximately 0.05 percent of the total acreage in Montana and less than 0.1 percent of private land in Montana. Even if shooting preserves increased in numbers by ten times, the impact is insignificant because of the acreage restrictions and ten mile rule. Having a criteria for immediate denial of a license based upon reduced public hunting opportunities by creation of a shooting preserve is ludicrous and could be interpreted as an attempt of unjust takings of a private property right.

9-E

Shooting preserve located on federal CRP land

1f) CRP is a federal Department of Agriculture program to reduce total acres of grain production and as a conservation tool to put farmland back into grassland to decrease soil erosion. This provides a benefit to some forms of wildlife, including pheasant. This program is supported by federal dollars and occurs only on deeded land. The people of the state who own the wildlife, MFWP and the hunters in Montana do not pay the government or the landowner for the habitat created for wildlife from this federal program. The notion that shooting preserves cannot be allowed on CRP because federal tax dollars support this program is not logical. If it were, then any hunting that generates income from CRP lands should be prohibited. This includes all cooperative programs between MFWP (block management and the upland game bird enhancement program) and CRP landowners and would include fee hunting of any nature. Payments for land set aside do not include compensation to the landowner for other benefits generated by the program. Property rights are only compromised to the extent of the CRP contract signed with the Federal Department of Agriculture and does not include restrictions as to hunting privileges during the general season. To include restrictions greater than those already imposed by the CRP contract as a condition of denial is not acceptable. Contract language

9-F

Response to Comments.

9-G Pen-reared birds are held under densities that are many times greater than found under wild conditions. This situation provides conditions that are ideal for the spread of disease. The example of botulism at FWP's Glasgow gamebird breeding facility illustrates how serious diseases can be. Although botulism is not spread laterally from bird to bird, several diseases of commercially raised fowl can be spread laterally from bird to bird, can be spread by insect vectors, or are otherwise infectious to other birds. Some of these diseases are listed in Table 3-1. NPIP certification only addresses fowl typhoid and pullorum. While NPIP certification greatly reduces the risk of spreading disease to wild birds it does not prevent it. More information on gamebird diseases can be obtained by consulting Schwartz (1995) and Mullir (1978).

Thank you for your comments.

in regard to generating income from hunting on CRP does not prohibit hunting at this time (02/08/2000), yet their is much confusion surrounding this topic. Federal changes could be made.

Additional comments on AFFECTED ENVIRONMENT

9-G

Disease 1g) On page 3-7 and 3-8 the PEIS mentions the potential of spreading contagious diseases using game farm birds. An example was given as to the loss of several thousand birds in a state facility to botulism. This is really an inappropriate comment and reflects badly on the ability of the PEIS team to present credible data. Botulism is not a contagious disease and the loss of birds to botulism is a management problem, not a disease problem.
2g) See comment 1c).

Game Bird Stocking 1f) Lots of research has been done on the survivability of stocked birds. Thousands of dollars have been spent by private and state interests in stocking acceptable habitat with pheasants. Many of the attempts failed terribly, yet some must of worked or we would not have the wild populations that exist. Much of the data reviewed is very old and comes from Fish and Game studies based on their experiences with birds raised in their facilities. Some entities in the game bird farm industry have come a long way in developing management techniques which enhance behavioral and genetic traits that increase survival and hunting experience. The results of their work has increased the survival and reproduction rates far beyond what this old research indicates. This has a tremendous impact on the relationship between wild and released pheasants on a shooting preserve. The F1 birds that survive winter and make it to the next spring's reproduction pool have passed the test that 70% of the wild birds fail (estimated survival rate of wild hens is 30%). This fact in itself should be beneficial to the wild gene pool. The development of good habitat (inappropriately called lure crops by the authors) is an attempt to develop conditions to enhance the survival of all pheasants, but especially those released on a shooting preserve in an area such as ours where no wild populations exist. The Game Bird Farm we use (Rocky Mountain Hatchery from Victor), breeds pheasants for flightiness and survival and manages them so they are very wary and conscious of any movement. J.C. Jackson, the owner, believes their efforts have led to birds that have survival rates close to wild birds. He challenges the studies used and has offered MFWP 500 free birds to study the survival rates of his birds. No one is interested. It is a shame to base future decisions on old data and management practices that no longer accurately reflect the current conditions. AS mentioned in comment #s 1b), 2b),3b) and 2d), the PEIS team not only used old data, they came to conclusions that were not even studied in the data cited.

ANALYSIS OF MFWP PREFERRED ALTERNATIVE

Response to Comments.

Thank you for your comments.

Developing a programmatic EIS for any action that needs MEPA review and is repeated is appropriate. I congratulate the MFWP for this action. Developing a model that fits the general circumstances and environmental conditions under which most shooting preserves fall is a tough task. The checklist defines those preserves that have no conditions that exist which would impact wild bird populations or public hunting opportunities and there are no impacts on the human environment. I have critiqued the checklist and have real problems in regard to some of the perceived potential impacts based on the data and reasons give (See previous comments). I do not agree with some of the perceived impacts and the mitigation measures required for new shooting preserves in general. I do not agree with some of the current law that is unchanged and the proposals in Alternative D and how they affect all shooting preserves in general. Under the MFWP Preferred Alternative I object to some of the other changes for shooting preserves. Below I will discuss these concerns. The preferred alternative is rather confusing as to which parts of alternative C and D were picked. To safeguard against any chance of not commenting on a chosen action, I will comment on all parts of concern in the C and D alternatives.
1g) The time and cost of developing a site-specific EA or EIS is substantial. The preferred alternative would require this be done if a shooting preserve failed to mitigate potential impacts as interpreted by MFWP in regard to the requirements of MEPA. The initial test is the criteria in the check list. Problems with these criteria have been discussed previously. The cost of an EA or EIS I am sure would be born by the applicant. This in itself could be considered as a deterrent to establishing a shooting preserve. It is essential that the criteria listed in the checklist and used to evaluate MEPA compliance describe legitimate impacts and are not just an obstacle used by the agency to limit competition of an activity that generates income. It is important to note that the ring-necked pheasant is not a native bird and MFWP abandoned its program to support this bird in the state by not introducing new genetics and employing new techniques and technology in raising a suitable bird for realize. To obstruct a legitimate business on private property for reasons that are not justified could be considered as an illegal takings.

Mitigation Measure C-1 2g) I totally agree with these health requirements, but recommend that they are extended to every program and activity in Montana that allows birds to be released .
Mitigation Measure C-3 3g) Even though our preserve is licensed and is in an area where wild populations do not exist, and therefore is not subject to this mitigation measure, I am opposed to this standard because I believe it is fundamentally flawed and leads to other mitigation measures that will affect the ability to propagate a healthy, flourishing, and sporty population of pheasants. By improving the feed source, protecting established habitat and utilizing the genetics and management of a progressive game bird farm, we can establish new and enhance existing pheasant populations. This will allow the landowner to generate income from his deeded resources and provide an additional source of healthy sporty pheasants to the surrounding public and private lands. This will provide an added opportunity for the public hunter during the season on land that surrounds the preserve. This will allow many hunters, who would spent more money going elsewhere, to benefit from what we offer for several months out of the year. The MWPF and the resident hunter are very sensitive to the harvest of wild birds on a shooting preserve at times when the

Response to Comments.

Thank you for your comments.

general season is closed, yet they do not give much credit for the habitat furnished to the majority of the wildlife in the state at basically no charge. Good habitat and feed sources are much more important than number of birds harvested due to hunting pressure. If the pressure gets too high on a shooting preserve after the close of general season, the wild birds could easily move to habitat outside the preserve. Also little credit is given to any propagation of birds due to introductions that may spill over on public land or other private land hunted by the public. This is a one way street where a responsible and dedicated shooting preserve licensee is footing the bill.

Mitigation Measure C-3a 4g) Since one cock can cover 12 hens and only 30% of the wild hens survive for reproduction the next year, this measure is probably appropriate. The only drawback is that the price of cocks from game farms will increase to the shooting preserve owner and a surplus of hens will exist at cheap prices at game bird farms. This could lead to an opportunity to supplement the hen numbers in an area at fairly low costs, especially after a severe weather event where most of the pheasant population in an area was lost. This measure decreases the incentive for a shooting preserve to initiate this restocking effort. This measure does recognize the efforts of a shooting preserve that exist in an area where wild populations do not exist. By allowing them to hunt populations on their preserve regardless of sex, you are giving them recognition and the ability to manage their numbers, although the harvest of hens is probably unwise if reproduction is a goal at all. You are also allowing these preserves the option to use a cheaper bird if that situation develops. I support this measure, but it should be recognized that changes could be made if certain conditions make change warranted.

Mitigation Measure C-3b 5g) I am opposed to this mitigation measure for several reasons. #1. This measure is based on the concern that wild birds are being harvested outside of the general season. It appears that this condemnation follows two lines of reasoning. The first is that public birds are being harvested outside of the legal season for profit by a landowner. This will happen to some extent, but as discussed earlier, most habitat is not on public ground and the efforts of the landowner is not recognized financially by the public, the hunter or the MFWP. This habitat management is received without compensation to the landowner and is key to supporting huntable pheasant numbers in Montana. If the landowner was as possessive of their land as the hunter and the MFWP is possessive of the wildlife they manage and hunt, there would be no hunting allowed on private land in Montana. It is time the landowner be given a variety of ways to generate income from the wildlife habitat he nurtures and this is one way without causing much impact upon the pheasant numbers. The second line of reasoning has to do with decreasing the number of birds available for hunting by the public. Cocks are only allowed to be harvested on new shooting preserves where wild pheasant populations exist. The number of hens producing in the spring and good brood habitat are the determining factor in maintaining a viable wild population. Restrictions on the release sequence of pen raised pheasants will not materially affect the wild population. Since hunting preserves involve very small acreage, the harvest of wild cocks out of a healthy population would not damage the reproduction capabilities of that population. One cock can service up to 12 hens. It is doubtful that the wild or released cock population on a shooting preserve with

Response to Comments.

Thank you for your comments.

FINAL PEIS

Response to Comments.

9-H The release of older birds on multiple release dates throughout the season is intended to increase the likelihood that pen reared rather than wild birds will be harvested within the boundaries of the shooting preserve. This put and take technique is currently used effectively by many shooting preserve operations around the state while providing a quality shooting opportunity for their clients. Release of younger (10 week old) birds earlier in the summer is allowable through a permit to release. While this may provide for more birds exhibiting "wild" characteristics should they survive. The survivability of those birds is heavily tied to the available habitat as well as climatic conditions.

Thank you for your comments.

good habitat would be reduced to a level where you would see reproductive failure. Since the area of preserves is relatively small, cocks residing outside the preserve would also be drawn onto the reserve to service the hens. Hunting on preserves in April through August is not allowed and this is the key time frame important for mating and reproductive success.

#2 This measure reduces the value and attractiveness of shooting preserve hunts. It would require the release of older birds that have been pen raised all their life. This does not lead to a situation that fosters a sporting experience for a hunter or his dog. Shooting a cock pheasant that has not yet mastered the art of flying or having your dog bring the pheasant in before you even shoot is not too fulfilling. This does not need to be the case. Release of birds at an earlier age in good habitat will condition them to be a more formidable target challenge and salable product.

#3 Hunting of birds that are just released will give shooting preserve opponents ammunition to ask for discontinuance of this land management practice. Animal rights activists will challenge on a fair chase issue. This will not only hurt shooting preserves, but could jeopardize hunting in general. This does not need to be the case. It is interesting that the MFWP proposes this mitigation measure, when they and the resident hunter are critical of game farms who harvest elk by shooting them on a preserve, citing that it is not a fair hunt. This mitigation forces the shooting preserve into the same situation.

4# This measure will increase the cost of shooting preserves because they will have to purchase only mature cocks and develop pens big enough for flight conditioning or develop facilities to accommodate younger birds until they are ready to release. This requires substantial capital and labor investment and will more likely produce a bird that will be imprinted in ways which will decrease its value. Shooting preserve owners are much less likely to have the knowledge, incentive and husbandry necessary to develop and enhance the genetic potential and health that game bird farm breeders have. This does not need to be the case and early release prohibited by this mitigation measure would be beneficial in good habitat.

#5 This mitigation measure decreases the potential for birds released to survive and augment the wild population. Birds purchased from some progressive breeder have the genetic potential to enhance wild populations. A lot of genetics have become available that have qualities that did not exist when the wild populations were being developed. Also the art of raising and conditioning raised pheasants to survive has vastly improved and makes the out of date survival research presented in this document questionable.

#6 Mitigation measure c-3b will prohibit the release of large bird numbers at the beginning of the season to sustain hunting throughout the season. This would effectively limit the ability of any entity from participating in a shooting preserve for additional income if they were not willing to build facilities to hold birds and provide labor to care for them. This will automatically force shooting preserves into situations described above in comments #1 through #5. Not many shooting preserves are adjacent to active game farms that offer quality birds. This will limit the number of ranchers that the use shooting preserve option to diversify their operations in order to generate income and stay on the land using agriculture.

#7 Common sense tells you that birds released immediately before the hunter arrives will most likely be harvested. It is also evident by this mitigation measure that MFWP (and the

entities that support this measure) do not want agriculture to participate in any income producing activity that might harvest some wild birds outside of the general season. A revisit to comment #1 is appropriate at this time. Mitigation measure c-3b and D-2 are designed to force landowners into using an "Application for Permit to Release Ring-necked Pheasants between May 1 and August 31" and limiting their ability to conscientiously use the "shooting preserve" option. This is an obvious attempt to limit any hunting outside the general season. Please review the above comments under 5g). This has the affect of limiting the opportunity of the pheasant hunter (who is the public-both resident and non resident) from extending his hunting activities in a way which will benefit him, the landowner and will have little effect upon the wild bird population. It also has the effect of limiting the option of the landowner to participate in a program that has the potential of enhancing his ability to stay on the land and enhancing the wild game bird population by promoting good habitat and introducing positive genetic contributions (see comment 1f). With the conscientious management of certain game bird farms, pheasants are available that have the genetics and behavior that allow the release of 10 week old pheasants into good habitat with greatly improved survival rates. These developments will augment released bird survival and improve the quality of birds hunted on shooting preserves during permitted times. The data used to support age of birds released and survival of those birds released is old and questionable, based on improved game bird farm technology involving genetics and behavioral conditioning (J.C. Jackson, Rocky Mountain Hatchery). The number of birds released at one time is dependent upon the area into which they are released. The habitat on our shooting preserve in August consists of 800 acres of ungrazed pasture rich with insects, seeds and cover. A 10 week old bird that is properly bred and conditioned has survival rates that far exceeds the norm. This bird will develop into a healthy adult that is habitat savvy and comparable to wild birds that hatched the same season. These birds will develop hunter awareness just as the wild chicks do. Mitigation C-3b needs to be changed to allow the release of birds no younger than 10 week of age in adequate habitat as early as July 1. If this facility was within a well established wild pheasant population, the harvest could be limited to cocks only. Failure to change this mitigation measure will limit the opportunity for agricultural entities to realistically participate in the activity and income offered by shooting preserve development. As mentioned in 5g #4, the investment in facilities, labor and time would be substantial and it is not necessary. All the above arguments can be used to support this position. Release of young birds earlier in the year in nothing new. It is required in the MFWP's **permit to release** ring-necked pheasants program. The reasons for allowing an agricultural entity to use a shooting preserve rather than a permit to release is covered thoroughly in the previous comment 5g) #1.

9-H

Mitigation Measure C-3c 1h) It would be appropriate to mark released birds on shooting preserves. Banding of young birds is difficult because the band often gets too tight as the bird grows and causes lameness. Either toe-clipping or having worn beeper is the most appropriate. Toe-clipping would put the bird at a small disadvantage while foraging.

Mitigation Measure C-4 1i) There is no reason to mitigate if wild pheasant populations are located near Columbian sharp-tailed grouse leks or wintering areas because the wild

Response to Comments.

Thank you for your comments.

populations would have already caused a problem and there is no action to address this impact if it is significant. See comments 1b) and 2b). The concern about leks is a mute point because grouse use leks in the spring and there would generally be no release of birds this late in the year on a shooting preserve and the number of pheasants on a reserve would be significantly reduced due to the time of year because of hunting harvest and natural mortality. Under normal condition in wild populations, only 30% of the previous years population would be present during this spring time. I do not believe this concern has to be mitigated. Other state release programs would cause the same concern if a problem existed.

Alternative D: Game Bird Regulatory Program Changes

Mitigation Measure D-1b 1j) This represents an increase of 708% for our shooting preserve license ($190 to $1346 on 1246 acres) Each year I apply for a license and buy some tags. During the initial inspection and license approval there was only one MFWP employee on our preserve. The writing of this PEIS is expensive, but is intended to decrease administrative costs in the long run. Exceptions to this PEIS that require additional EA or EIS work would most likely be funded by the applicant. I am not opposed to paying for program costs associated with shooting preserves, but I am opposed to paying for the development of public hunting opportunities. This is the responsibility of the hunter through license fees. Landowners are already providing habitat for the state's wildlife and are not being compensated. In addition, property taxes on the land being used by wildlife support the local and county infrastructures that provide the services that are required by the hunter to access and utilize the resource. Hunters and the MFWP are getting a bargain already, why do you need more? I believe the landowner is carrying their fair share. The development of a shooting preserve provides the avid hunter (who is part of the public that wishes to hunt) an additional opportunity to hunt pheasant. This mitigation measure is arbitrary and capricious and is not equitable. Please see comment 1e) and 2e). Based on data presented on 3-15, if all hunters that used preserves in 1997-98 bought licensees solely for that purpose, shooting preserves would have generated $129,850 in license revenue for the MFWP.

D-2: Establish a Minimum Number of Birds to be Released on Shooting Preserves
1k) The rationale and explanation used by the author for this mitigation measure is unbelievable. This attempt to limit what the private landowner can do on his private land with pheasants he has purchased is not acceptable. The fact that this mitigation measure even applies to shooting preserves that are not located near wild populations clearly demonstrates that the hunter and MFWP is dedicated to the taking of private property rights. Displays such as this will permanently destroy any trust the private landowner has with the hunter and MFWP. Behavior like this will hasten and insure all hunting opportunities on deeded land will be privatized for profit. The public hunter will be left to public land, and there will not be much there. Private individuals may wish to hunt longer than the established season permits. What is wrong with using your own land and paying for your own birds if you wish to do so? This is no different than providing those members of the public, who are willing to pay, an extended hunting experience.

Response to Comments.

Thank you for your comments.

Response to Comments.

2k) The exact meaning of this mitigation measure is not clear. A shooting preserve is licensed to release certain species of birds. Under current regulations the department is to determine the number of birds to be released each year. I assume this was to be determined by the wishes of the management and the restrictions of the habitat of a particular preserve. To date, I have never been approached by the department as to what the minimun number was. This decision was left to the preserve owners or management and was determined based on which species are being concentrated on and how many numbers of that species are to be turned loose depending upon preserve size, habitat quality, weather and the anticipated demand for the upcoming season. The language in this mitigation measure seems to indicate that 300 of each species the preserve is licensed for has to be released each year, regardless of the management concerns, habitat conditions, or size of the preserve. A responsible manager cannot work under this kind of requirement because it is arbitrary and does not take into consideration any of the specific conditions that determine what is acceptable from a habitat, preserve size, animal husbandry and marketing viewpoint for a particular preserve. The MFWP may want this determination, but consideration must be given to each individual shooting preserve operation as to what is feasible, and not just attention to the attempt to force all shooting preserves to be commercial and large and forcing anyone else to go to a release permit.

3k) This mitigation measure requires that birds must be 16 weeks of age. Restricting the time frame and the age at which birds can be release restricts the ability of a shooting preserve to be effectively managed and meet the expectations of their clients and the scrutiny of the public in regard to a fair hunt and animal rights. The comments in 5g), #'s 2, 3, 4, 5, 6, and 7 cover some of the aspects of concern about restrictions on releasing only birds 16 weeks or older. Much attention has been directed to the release of birds on shooting preserves and making restrictions to force put and take: no releases of large number of birds, birds must be 16 weeks or older, and birds must be released after September 1st. The rationale for this seems to be solely based on the premise that shooting preserves limit opportunities to hunt and that large numbers of wild birds will be illegally killed. The action of MWFP in this regard is intended (as admitted in this mitigation measure) to force as many landowners as possible to use a **permit to release**, rather than start a shooting preserve. Mind you, a private shooting preserve can serve the public, it just is not as public as a commercial preserve. Yet the guidelines for a **permit to release** require that pheasants be released between May 1 and August 31 and there are no restrictions limiting the release of younger birds. These are much different requirements than are being demanded for a shooting preserve, given the fact that shooting preserves are licensed to be open during the general season also. Many of the negative issues brought out about released pheasants on shooting preserves would be the same for released pheasants on land where **permits to release** are allowed. Why the difference? You are dealing with the same bird, same habitat, same conflicts with wild birds, same predator pressures and reduced hunting opportunities in the long run. As mentioned in earlier comments, the restrictions that apply to release periods, release age and the number released serve to stifle effective and holistic management of the shooting preserve and the habitat involved. Restrictions as to public opportunity are probably greater on land where **permits to release** are issued because hunting is only season long and would be restricted

Draft EIS

Thank you for your comments.

to membership or fee hunting. Shooting preserves can provide a hunting experience for 7 months. Bird age and number restrictions in this mitigation measure are not acceptable.

D-5: Authorize Private Release of Game Birds Year Around 1L) I have no problem with the release of game birds on private land year around. This can be done to enhance bird populations in good habitat and would promote increased populations that may be available to the public on public land or available private land during the season. If the department can encourage people to do this, the hunter will get real break. Not only will they be able to take advantage of wild bird populations supported by private habitat, they will get the advantage of private birds on public lands at no cost.

Environmental Consequences

In the above analysis sufficient comment has been made on the **potential impacts** portrayed by the authors of this PEIS. These impacts that are considered significant for shooting preserves are under the headings of Fish/Wildlife, Aesthetics/Recreation, and Land Use. The management practices developed to mitigate these impacts are the mitigation measures offered and included in the preferred alternative and sufficient comment has been made in there regard. A brief comment on the identified cumulative effects is necessary.

Cumulative effects 1m) The department's attempt to simplify the permitting process by using a programmatic EIS is commendable and should decrease the overall cost in managing the program. This should result in the ability to decrease the potential of license fee increases because administrative cost would go down in the long run. One would automatically think that this would decrease the administrative costs for shooting preserve operator. To the contrary, my costs will increase $708% in one year and I am expected to pay for the development of additional public hunting opportunities. See comment 1j).

2m) The department suggests that this streamlined application may lead to more shooting preserves. Yet in the discussion on D-2, the department admits to using this mitigation measure to force the creation of fewer private shooting preserves and force more options for public opportunities. In the cumulative effects section on pages 5-11, the department continues this attack by stating "the more shooting preserves operating within the state, the greater the potential to negatively affect public hunting opportunities and wild bird populations". The department continues its assault on shooting preserves and private property rights by using issues concerning wild bird populations (wild pheasants included) and disease. This disease issue in the PEIS is immediately mitigated by strict health requirements, but is brought up again in cumulative effects as negative, not ever mentioning that it had been mitigated. Some of the mitigation factors are needed, but C-3b, D-1b, and especially D-2 are being used by the department to make it as difficult as possible to operate a shooting preserve with in the state. Agricultural operations that have the habitat and the desire to develop a basic shooting preserve business on their deeded land using private birds to generate badly needed alternative income are being regulated right out of that opportunity by MFWP with these mitigation measures. This is a taking of a private property right may be illegal and is certainly unacceptable.

Response to Comments.

9-l As per the "Private Property Assessment Act" enacted by the 54th Legislature in 1995, an assessment of actions taken by the state in the final PEIS document will be conducted.

Thank you for your comments.

3m) In the cumulative effects analysis the MFWP is failing to assess the damage done to the relationship between the private landowner, the department and the hunter by the unrelenting and unrealistic pursuit of promoting public hunting opportunities at all costs. If this is going to be the attitude of the department and the hunter in future dealings with the private property owner, you can rest assured that it will lead to the privatization of all hunting on the majority of the private property in the state. The effects of this will be the movement of wildlife from public to private land because of public land hunting pressure and then the marketing of hunting privileges on private land to those who are willing to pay for it.

Deficiencies in this MEPA document

I believe that state law requires that in a MEPA document, the actions has to be analyzed in regard to it effects on private property and private property rights. I have alluded to the takings issue several times in my comments. I do not believe that MFWP have sufficiently addressed the impacts the preferred alternative and its mitigation measures have on a private individual who has, or decides to, establish a shooting preserve on private property using privately purchased birds that meet the disease requirements. I believe the document is deficient in this respect and my comments reflect the same.

I-9

Summary

I am a rancher who has an opportunity to diversify my livestock operation to generate much needed income so I can stay on the land and pass this operation on to my children. One way to diversify is to develop pheasant hunting opportunities by creating a shooting preserve. There are no wild grouse populations nearby and no wild pheasants are in the area. We are in the Glen valley where little snow falls during the winter. We have good habitat and raise several hundred ton of grain hay. I am willing to restrict grazing in several key habitat areas and develop several small feed plots to enhance the habitat and survival of the birds planted. Predator control, with the exception of raptors, will be practiced. In seeking advice from several avid hunters (Paul Vang from Butte being one), it is clear that put and take is not sporting and does not go over very well. All these consultants feel that we have the habitat necessary to plant 10 week old birds in July and August and have a reasonable survival rate. We get birds from Rocky Mountain Hatchery in Victor and the owners (J.C. and Eileen Jackson) are very progressive in regard to genetics and behavioral conditioning for survival after release. They are confident there bird will survive. We have approximately 800 of the 1246 acres in the preserve that are suitable for early release and this area will easily accommodate a large number of younger birds. Our pastures in the bottoms are ungrazed in July, August, and September and the cover of rose bushes, cattails, rye grass, sedges and willows is full of insects and seeds for young pheasants to use. I have used an release permit to release younger birds in this area with good results, even though the total plan is unfinished. We have had several planted hens survive and raise clutches. Pheasants from this preserve are beginning to show up in other areas surrounding the ranch at Glen. These early releases cannot be used to satisfy the requirements of a shooting preserve, so older pheasants have to be released after

Response to Comments.

Thank you for your comments.

September 1. These 16 week old birds cost us a lot more. We do not have the facilities to raise young birds and cannot afford to build them, nor do we have the time and labor resources required to handle young birds.

Many hunters from Butte, Dillon and Missoula spend big dollars to go where wild pheasants are available. We have many beautiful days in December through March in which to hunt. We have an ideal situation where a shooting preserve will work. I was excited when the scoping for this PEIS was received and spent several hours putting in constructive comments that would make the system better. One of the problems with current law is that pheasants released early could not be included in your quota on a shooting preserve. Based upon the opinion of our consultants and our short experience with early release, we clearly have a situation where early release will work and good survival will give us a hunting opportunity similar to wild conditions and would be very marketable.

When I read the PEIS, researched the rationale presented, and analyzed the MFWP preferred alternative, I was very disappointed and extremely angry. Not only were my scooping comments totally disregarded in making positive changes that would make a shooting preserve work on our ranch, but the preferred alternative included mitigating measures that completely destroyed the opportunity to proceed with this endeavor that provides income to our ranch and additional opportunities for the hunter. No recognition whatsoever is given to the private property owner for the wildlife habitat contributions he makes that benefits the wildlife and hunter in this state. Unbelievable. This does not only affect our operation, but every private landowner in the state who may want to augment his income by developing a shooting preserve in areas with or without wild game bird populations. For this document to satisfy my needs and the needs of the local hunters to whom I provide a service, I must be allowed to release 10 week old chicks in large numbers in July and August. This means the preferred alternative needs to be changed along with some of the current law on the books. Thanks for the opportunity to comment.

Sincerely,

Jim Hagenbarth

15

February 20, 2000 FEB 2 2 2000

Kathryn Hiestand
Neal Miller
8301 Starling Drive
Bozeman, MT 59718

Tim Feldner
Commercial Wildlife Permitting Program Manager
The Montana Department of Fish, Wildlife, and Parks
P.O. Box 200701
Helena, MT 59620-0701

Dear Mr. Feldner,

We are writing to you concerning the Environmental Impact Statement (EIS) for the Game Bird Farm and Shooting Preserve Programs.

10-A We are very disappointed that this EIS does not implement a non-resident license for shooting upland birds on private reserves. We understand that 20-50% of the birds taken from private reserves are naturally producing, and yet there is no enforcement for the number of birds taken. As well, without the issuing of an upland bird stamp, the FWP is essentially losing funds that it sorely needs to manage the upland bird populations in MT--specifically on private land.

Another of our concerns for native birds is the loss of their habitat to introduced species on game farms. Mitigation measures need to be implemented for both new and established game farms. Fish, Wildlife and Parks should be a leader in ensuring that we do not displace native birds to the the point of non-viable populations. Combine game farms with increasing human growth in this state and we are seeing the decline of some populations of upland birds.

We urge the Montana Department of Fish Wildlife and Parks to reassess the EIS and make changes to issue a non-resident upland bird stamp and as well, take steps to ensure the health of upland bird populations on both public and private land in Montana.

Sincerely,
Kathryn Hiestand
Neal Miller

Kathryn Hiestand
Neal Miller

Response to Comments.

10-A As stated in Chapter 3, a non-resident license is required for shooting upland game birds on private reserves. The majority of non-resident hunters elect to purchase the full season license while some (132 non-resident hunters in 1996) elect to purchase a 3-day stamp.

Thank you for your comments

etter 11

Feb. 18

Re. Game Bird Farm and Shooting Preserve PEIS

My concerns with commercial bird farm and shooting preserves center around the welfare of existing wild bird populations and the tremendous increase in this activity over the past few years as it relates to public hunting opportunity.

Consideration of all of the factors listed involving the release of pen-raised birds in areas of established wild game bird populations deserve attention. Certainly interspecies competition and hybridization are areas of concern as is the inevtitable more-than-incidental harvest of wild birds. I feel, however, that the issue of increased predator focus should have been addressed further. There is little dissent on the fact that the introduction of pen-raised birds into a wild population has the ultimate effect of altering predator attention (esp. raptors) in favor of upland birds. The presence of a significant population of wild birds should always take precedence when considering the approval of any preserve license.

11-A

Decreased public hunting opportunities for wild birds on surrounding private or public land is also a concern associated with the unmitigated spread of shooting preserves. The restrictions involving the 1280 acre limit and 10 mile radius should be maintained. The minimum release requirement of 300 birds/species is a good idea, and, by all means, raise the damn fees! Both of these provisions would keep hobby bird clubs and whimsical releases to a minimum. Earmarking funds raised from preserve fees for wild bird habitat improvement and securing access for public hunting are very important. And although I realize it is ultimately a USDA decision, the release of pen-raised birds for commercial shooting on CRP land should be strictly forbidden.

With these concerns in mind I am in favor of adopting the combined C and D alternatives as prefered by MFWP.

Sincerely,

Tom Carroll
Box 4
Choteau

Response to Comments.

11-A The section "Interspecies Competition and Hybridization" in Chapter 3 notes that the release of large numbers of pen-reared birds into a small localized area may increase predator numbers in the area. More information on this topic have been included in the PEIS in this section in response to your comment. This paragraph also notes that native bird populations are regulated by environmental factors, but the number of pen-reared birds released into the wild are independent of environmental factors and may result in intense competition with wild gamebirds for food and cover.

Thank you for your comments.

Letter 12

February 19, 2000

Tim Feldner
Commercial Wildlife Permitting Program Manager
Montana Department of Fish, Wildlife, and Parks
P.O. Box 200701
Helena, MT 59620-0701

I am writing you in support of Preferred Alternative of the Game Bird Farm and Shooting Preserve Program EIS.

Is there nothing sacred when it comes to the wildlife of Montana? We have to stop commercialization of the Public's wildlife. Is it not obvious that these people are only interested in greed and profit? They have no concern of results of their activities. The elk and deer game farms and Chronic Wasting Disease is a prime example of where their priorities are.

Please make these people responsible for their actions by selecting with the Preferred Alternative of the EIS.

Sincerely yours,

Bernard W. Lea
90 Vista Dr.
Billings, MT 59102

e license is required to declare
rve will be open to members or
on a commercial basis. Only
ommercial basis are considered

.etter 13

FORRESTER'S Bighorn River Resort

FEB 2 8

Tim Feldner
Montana fish, Wildlife & Parks
1420 East Sixth Avenue
P.O. Box 200701
Helena, MT 59620-0701

February 1,2000

RE: Comments on Draft (PEIS)

Dear Tim,

Due to scheduling conflicts I will not be able to attend the Billings meeting to give verbal imput. Please include these written comments. As far as my background I have worked in Wyoming and Montana as a biologist consulting for a varitiy of companies. I graduated from Oklahoma State University with a B.S. in Wildlife Management. I worked with Bob Eng form Montana State University on several projects dealing with Sharptail Grouse and Sage Grouse. I have also worked with Mike Lockhart and Dean Biggins of the U.S. Fish and Wildlife Service out of Sheridan Wyoming on Mule Deer and Raptor projects. In 1980 I entered into the private sector in accepting a management position on a 30,000-acre ranch in Northern Wyoming. Part of the responsibilities was to increase Mule Deer and Upland Game Bird Habitat. This facility had an upland game bird shooting preserve. In 1990 my wife and I moved to Montana and developed two lodges centered around Fly Fishing and Upland Bird Hunting. One, here on the Bighorn River and the other borders Glacier National Park. I currently operate two very successful shooting preserves, which brings me to the purpose of this letter.

I will address the program alternative that I support, and some changes that would help the entire game bird future.

I support the MFWP Preferred Alternative.

Table of contents

13-A

1. Chapter 2 Game Bird Farms and Shooting Preserves. This should be changed to Commercial Game Bird Farms and Commercial Shooting Preserves. None of the existing licensed shooting preserves or game bird farms is established for personal use.

Under Additional program changes would include:

1. Number 2. Request the Legislature create a flat rate for shooting preserves licenses at $100, and add a $1 per acre surcharge. This should be Change $.50 per acre surcharge. Even with the $1 per acre surcharge would not be enough to offset program costs and to improve habitat and secure access for public hunting.

2. Number 3. Minimum of 300 birds of each species. Change: The first year an operator must release 300 birds of each species per season. The second year 600 birds of each species. This would reduce the number of shooting preserves and regulatory time involved.

3. Number 4. Delete the words migratory game birds.

nents.

mments.

P.O. Box 7595
Fort Smith
Montana
59035
800 / 665-8799
www.forrester-travel.com

In reading through this draft there are two words that continually come up public hunting and habitat. Lets look at public hunting first. The world public must also mean free hunting, most people in Montana relate to this well. I really don't know anything in this world that is free. I have worked with many ranchers and farmers who must look at every way they can to support there livelihoods. I do not know of one that will give something away which has the potential to earn them additional income. Outfitters and licensed shooting preserves represent a small minority of the businesses, which reduce the public (free) hunting. In the majority of cases, in which I have approached ranchers to lease land for my business, they are already secured. I have found most come from clubs, professional organizations and out of state hunters, which have leased the land for there private, use. How do you put responsibility on the backs of these hunters?

The future of public hunting (free hunting) lies in the ability of Montana to secure lands and due appropriate habitat work to hold viable populations of game birds. The way that Montana can continue to offer free hunting to everyone is with the implementation of a habitat stamp. The Habitat Stamp program would be issued to all hunters. With this type of program it is not just the commercial organizations who is supporting game management but all people who enjoy this sport

Providing the discriminating sportsman with the very best trophy trout fishing, upland game bird hunting, accomodations and personal service in a remote western setting.

Forrester's Frontier Travels
Bighorn River Resort

Nick C Forrester

our comments.

Response to Comments.

14-A Please see response to 16-A below.

14-B Please see response to 16-A below.

14-C Please see response to 16-B below.

WOLF CREEK SHOOTING PRESERVE
FLOYD R BLAIR

HCR 76 BOX 45
DENTON, MONTANA 59430
406-567-2436

FEBRUARY 22, 2000

RECEIVED
FEB 24 2000
LAW ENFORCEMENT

Manager Tim Feldner
Commercial Permitting Program
Montana Dept Fish, Wildlife & Parks
P.O. Box 200701
Helena, MT 59620-0701

Dear Tim:

I enjoyed your talking to Montana Gamebird Association and in listening to our concerns on the current PEIS. Thank you for taking your time and coming. I am sure that both sides can come to an agreement.

Under CHAPTER 6, MFWP PREFERRED ALTERNATIVE, I would like to submit my personal comments as follows:

1. Require all game birds released in Montana to be NPIP...

   RESPONSE: I am in total agreement with this proposal.

2. No release of turkeys pending a change in statutes.

   RESPONSE: Have no comment on this.

3. Denial of new shooting preserves in areas that support...shooting of roosters only in areas of very high wild game bird poulation and extremely good habitats...

   RESPONSE: I am against the release of birds on a daily basis. It should be up to the preserve management plan. This in effect would shut my shooting preserve down as all my clientele require me to turn birds out early at 6 to 8 weeks of age to get acclimated to the wild and act like wild birds. I do release three times a season; so if they do have a high mortality rate, which I haven't documented yet, there will be so-called pen-reared birds during and at the end of the season but there is no documentation that early release birds totally all died off with the different type of releases and the so-called soft releases.

   Distinguishing pen-reared birds from wild birds only if the toes are cut and no banding

Thank you for your comments.

Response to Comments.

is used and it is a simple monitoring plan.

4. New shooting preserves located within a mile of known Columbian shart-tailed grouse lek...

RESPONSE: Yes, to this number *if* there is scientific data available to backup the 1 mile limit. If not, leave as is until data is available.

ADDITIONAL PROGRAM CHANGES WOULD INCLUDE:

14-A

1. Propose rule changes to increase license fee...
RESPONSE: A $50 fee with a renewal fee of $25 would be more in line.

14-B

2. Request the legislature create a flat rate for shooting preserve licenses at $100 and add a $1 per acre surcharge...

RESPONSE: This is a flat outrageous increase and if the money from this would be used for habitat, the shooting preserve operators should be able to share in it as they would be providing the money. It should *not* be used to secure access for public hunting.

14-C

3. All shooting preserves would be required to release a minimum of 300 birds of each species per season...

RESPONSE: 300 birds released at 16 weeks of age is even against what the MFWP says happens to birds released--MFWP CLAIMS THEY ALL DIE OFF, and the older they are the more likely they will. A very bad change--forget it!!!!!!!!

4 & 5. Game birds would be defined in the statutes to include...
and
Game farm birds would be defined...

RESPONSE: No comment on either number.

With Best Wishes,

Floyd R. Blair

FLOYD R. BLAIR

Thank you for your comments.

Response to Comments.

Letter 15

Sharon Buckallew
69 Cottonwood Rd.
Cardwell, MT 59721

Feb.23, 2000

Manager Tim Feldner
Commercial Permitting Program
Montana Dept. Fish, Wildlife & Parks
P.O. Box 200701
Helena, MT 59620-0701

Dear Mr. Feldner,

Thank you for attending our Montana Gamebird Association meeting on Feb. 10, 2000. I appreciated your willingness to listen to concerns regarding the PEIS.

My personal responses to the PEIS are as follows;

1) Require all gamebirds hatched and/or released in Montana to be NPIP....

RESPONSE: I strongly agree

2) Release of turkeys

RESPONSE: No comment

3) Denial of new shooting preserves in areas that support established gamebird populations...

RESPONSE: My business is operated on a daily release basis.

4) Regarding Columbian sharp-tailed grouse ....

RESPONSE: I feel more study is needed.

Additional program changes:

1) Gamebird Farm license fees.....

RESPONSE: Price change acceptable, except that I feel that ANY gamebird holder should be required to be licensed and meet NPIP requirements.

2) Request the legislature to create a flat rate for shooting preserve license at $100 and add a $1.00 per acre surcharge.

RESPONSE: $100 flat rate and leave the $20.00 per quarter section. The $1.00 surcharge is much too costly.

15-A See response to 9-E.

Thank you for your comments.

3) 3) Minimum 300 bird release

RESPONSE: OPPOSE It would be a financial hardship on many of the operators. We cannot guarantee how many clients we will have each year; therefore, we cannot know how many birds we will be able to release. Weather conditions, the economy, and the availability of birds all affect the operation and use of shooting preserves.

4&5) Gamebirds defined....
and
Gamefarm birds defined....

RESPONSE: No comment

Additional comments regarding release of gamebirds:

I am AGAINST the YEAR round release of gamebirds by private citizens. However, I encourage allowing the release of gamebirds by private citizens from April 1-August 31 as this will still allow shooting preserves to maintain their season from September 1-March 31. I have no objection to the release of birds after the general bird hunting season ends in December.

I am also concerned with the talk of a change in the 10 mile radius rule. In order to operate a commercial shooting preserve, we must maintain an adequate distance so that the supply does not override demand.

15-A

I think a 10 mile radius change could ONLY be considered after a thorough study has been made of the financial impact on the existing commercially run shooting preserves.

This study, done over a 3-5 year period, using existing paperwork provided annually by preserve owners, could also provide the needed data to determine whether a preserve is operating as a commercial business or only for personal hunting opportunities.

In the Shooting Preserve Laws #87-4-505, commercial is defined as open to the public on a commercial basis and private is defined as restricted to a membership or other limited group.

Some preserve holders are using the word PRIVATE to mean limited to club type memberships but they are running them on a commercial basis. However, there are a few who are using the word PRIVATE strictly to enhance their own personal private hunting opportunities.

Shooting Preserve Law #87-4-505 needs to be changed or clarified to require all shooting preserves to operate on a

commercial basis,whether they are membership/private or public. They would be unable to restrict or discriminate against any hunter willing to meet the requirements of said preserve. All licensed preserves should be required to be open for the duration of the season, depending upon weather conditions and bird supplies. They should be allowed the option of being closed two days a week.

The shooting preserves can then be monitored by FWP through law #87-4-505 (the shooting preserve register) and the FWP Shooting Preserve Data Sheet.

Thank you for taking the time to read and consider my concerns and suggestions.

Sincerely,

Sharon Buckallew

Response to Comments.

Thank you for your comments.

se to Comments.

Letter 16

Feb. 24, 2000

Tim Feldner,
Commercial Wildlife Permitting Prog. Mgr.
Montana Fish, Wildlife & Parks
1420 East Sixth Ave.
P.O. Box 200701
Helena, MT.59620-0701

Dear Mr. Feldner:

Attached, please find my comments regarding the PEIS on Game Bird Farm and Shooting Preserve Programs.

I thank you for your time at the two hearings and for coming to the Silos Inn for the Montana Gamebird Association meeting.

Hopefully, the comments received and those being offer by mail will help in a constructive way to enhance the viability of both industries. I am sure there is room for improvement in regulation, as well as an exercise in caution as to not over-regulate.

I submit my ideas with the hopes that they will benefit the entire industry, not just a few. Of course, when approaching ideals with this in mind, some generalities come into the formula!! Hopefully, they won't become so confussing as to blind the view of the forest for the presence of the trees!

Again, thank you and looking forward to a good, working set of regulations.

Sincerely,

Dan Weppler Dan Weppler

ou for your comments.

s.

ogram costs for
tion of game bird
hooting preserve
y FWP have been
e final PEIS at the
pter 3. Based on
se, the fee increase
preserves has been
$100 flat fee plus
cre for every acre
es. The suggested
to $100 application
renewal fee have
s they were in the
These fee increases
the program at its
and are in line with

Letter

Feb. 24, 2000

COMMENTS SUBMITTED FOR THE PEIS ON THE GAME BIRD FARM and SHOOTING PRESERVE PROGRAMS.

Referencing the DRAFT copy of:

PROGRAMMATIC ENVIRONMENTAL IMPACT STATEMENT, dated, Aug.1, 1999
****

Referring to Chapter 6, MFWP PREFERRED ALTERNATIVE

Under "Other changes for shooting preserves would include:

#1 Agreeable

#2 I feel turkeys should continue to be allowed to be released. As mentioned at the Billings hearing, what about the raising of what's considered 'tame' turkeys and they running around a farm. They will cross with any 'wild' turkeys and then one will have a bunch of half-bloods. Who do these belong to or to what extent or percentage of 'wild vs. tame' blood do they become/not become property of whom? If they are purchased form NPIP sources, as all birds should be, I believe the 'disallowment' of raising/releasing 'wild' turkeys will encourage this same action on definitely 'tame' turkeys. Also, turkeys are not a native species to Montana anyhow.

#3 Alternative C-3a, I wouldn't limit it only to roosters, but would surely encourage it. One of the primary purposes of a shooting preserve is to have any extended season in which to train dogs. As all dog trainers will support, it is important to be able to reward a trainee/pup/whatever, to a good job well done. It just might happen to be a hen that the prospect flushed/pointed.

Alternative C-3b: Daily release---This may work for some operators, it won't for some. This should be left up to the individual operator. Some will want to have mass releases, at a few limited times during the season. Some will want to have both.

Alternative C-3c: This could be done, but let it be done on a voluntarily basis. At least on a trial basis for a few years and then by cooperting operators, but not manditory for all. If some monitoring is done, I would suggest a standardized 'toe clip' system be developed and then tested by volunteering operators for a few years.

#4 There is non scientific evidence of any real damage. More information is needed here. If there is a big problem, which I doubt there is, then address them with solid research or information.

to Comments.

Under "Additional program changes would include":

#1 I am against this. The additional license fees and the monies generated by the hunters, hunting birds purchased from game bird farms for release, will be more dollars than what will be received by the increase in these fees alone. Some operators may decline to renew or just quit.

16-A #2 My feelings are the same here. When comparing this increase to the existing structure, it seems that a 700% plus increase is a bit outrageous. The $1 per acre surcharge is prohibitive. A increase to offset program costs may be defenseable and/or digestable, but to use it to secure access for public hunting, it like paying ones competition to stay in business!! There are many other sources of income available for that.

16-B #3 Not 300 birds per species. Nor even 300 per year. A minimum may be required to be released in order to hold a shooting preserve license. Some preserves may be small enough that 300 in just too many for them. This could be determined in their pre-release plan. Just don't put a number on it.

16-C As to age and fully feathered. On one hand someone wants them to be 16 weeks old, yet they suggest allowing them to be released as early as April 1. Unless year old birds are released, one has to hatch them in Dec. in order to comply. Then, they state the older the birds are the less chance of survival they have!! It just won't work both ways. As to fully feathered---this depends a lot upon the conditions in which the birds were raised and their age. They may be over 16 weeks of age and not fully feathered also. Let this be at the discretion of the operator. A great deal has been learned by experience from operators on how to release birds for a greater survival rate. Whatever fits the individual, they have to live with it. Let them determine the age or release.

#4 This is already done. 87-2-101 Leave it as is.

#5 Leave them as they are already described in 87-2-101. Keep them consistent with what 'game birds' are. Do not include bobwhite quail. If there is a concern about the importation of bobwhites (or any quail for that matter) for/with dog trainers, just require that they all be NPIP tested before entry, or from NPIP sources if obtained within Montana. Maybe all professional dog trainers coming in should register as such.
At least be put on notice as to what the rules of Montana are.

Other comments:

Page 4-5:

D-3 and D-4: Allow releases of all three, Hungarian and Chukar Partridge and Quail on privated property, using a standard date for all. Yes, the NPIP stipulation is great.

for your comments.

esponse to Comments.

D-5: Allow all game birds licensed for, to be released year around on their own land. Shooting preserves included, and the total released number be allowed to compute their harvest quotas. (80% stipulation)

D-6: Was addressed above. Leave as is according to statues and keep both the same for consistency.

Other: For all current license holders, re-issue them the same number they have at the time. Let that number become their permanent number. A simple five digit, number system would allow identification for all regions, counties and up to 99 licenses per county. ie. 532__. The first digit for the MFWP region, the next two for the county, ie: 32 is Stillwater, 03 is Yellowstone. The last two for the individual. One could include an alpha digit and identify if it was a game bird farm or a shooting preserve, or in fact both. ie. F for bird farm. S for shooting perserve. C for a combintaion of both. Just a suggestion.

Thank you for our considerations.

Dan Weppler Arleene Weppler

Dan and Arleene Weppler, Three Cross Ranch

hank you for your comments

Response to Comments.

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Thank you for our considerations.

Dan Weppler Arleene Weppler

Dan and Arleene Weppler, Three Cross Ranch

Thank you for your comments

etter 17

BILLINGS ROD & GUN CLUB

P.O. BOX 33
BILLINGS, MONTANA 59103

FEB 28

Commercial Wildlife Permitting Manager
Tom Feldner
MT FW&P P.O.Box 200701
Helena MT 59620-0701

Feb. 24, 2000

Sir,
The following comments represent the position of the Billings Rod and Gun Club regarding the proposed rules (revised), as they apply to game bird farms and shooting preserves.

All customers at there facilities should be required to hold a valid game bird license. This should apply to residents and non-residents alike. There should be no "Grandfather Provision allowed for this requirement. Too many birds killed on game farm preserves are wild birds.

All stocked birds should meet rigid requirements for health and genetic quality. If the cost of destroying diseased birds would be born by public taxpayers, these facilities should be bonded in the amount necessary to cover such costs.

To protect the wild bird population, only male pheasants should be harvested.

Those requirements that are intended to protect the wild game populations should be implemented with no Grandfather Provisions.

Thank you for the opportunity to comment.

John Gibson

Chairman, Conservation Committee

Response to Comments.

Thank you for your comments.

etter 18

February 18, 2000

FEB 2 [illegible]

Tim Feldner
Commercial Wildlife Permitting Program
FWP..Helena, Mt.

I am writing to add my input to others, regarding your upcoming decisions on the Game Bird Farm administration.

#1. It is well confirmed that planted or pen raised birds have close to a 100% mortality in a very short time. Thus, it means that as the season matures, wild birds are providing most of the shooting for the preserves.

#2. By shooting either sex, many of the hens harvested are actually wild birds, and therefore reducing the wild species for next springs hatch.

I therefore, suggest that all hunters of game bird preserves, be required to buy a Mt. Hunting license, resident or non-resident, as the situation demands....and secondly, that they be required to shoot cocks only, at all times.

Thanks for the opportunity to give input.

Sincerely,

Garry King

Garry King
90 W. Madison Ave. # E-233
Belgrade, MT 59714-3956

Letter 19

FEB 2[illegible]

February 10, 2000

Re: Programmatic Environmental
Impact Statement
August, 1999

Mr. Tim Feldner
Manager
Commercial Wildlife
Permitting Program
1420 East Sixth Avenue
PO Box 200701
Helena, MT
59620-0701

We certainly agree with the program on the Lee Metcalf National Wildlife Refuge, as set out by wildlife biologist Ben Deeble, to provide more good places for pheasants and other upland game birds.

After reviewing alternatives A, B, C and D, the undersigned hereby request ALTERNATE A, CHAPTER 4, of the "Program Alternatives" be continued, to protect the expenditures and value of the premises, and increase the game population.

Sincerely:

J. W. Boyer Jr.

License #00491 - Private
W. W. Boyer, Jr.
Boyer Ranch
18445 Mullan Road West
Frenchtown, MT 59834

Sincerely:

C. F. Sandford

License #00413 - Private
C. F. Sandford
10133 Oral Zumwalt Way
Missoula, Mt. 59803

ents.

ments.

.etter 20

FEB 2

February 22, 2000

Tom Feldner
Montana Department of FWP
Helena, MT

Dear Mr. Feldner,

I am very concerned about the impact of hunting preserves for upland birds on the ecology and wildlife of Montana. These places are increasing at an alarming rate. Licensing fees are entirely too cheap. A charge of $300 with a $100 renewal fee seems fair. This money will be needed for management and research.

The preserves should harvest cock Pheasants only, and all game birds released in Montana should be tested for pullorum-typhoid or come from an NPIP certified game bird farm. New shooting preserves located within one mile of a known Columbian sharp-tailed grouse lek or wintering area would require an approved plan to protect native grouse.

This is a serious threat to our wildlife and I strongly urge limits, bird stamps, and other regulations invoked on those who use preserves for their hunting.

Thank you,

Volney Steele
4026 Bridger Canyon Rd.
Bozeman, MT 59715

r comments.

to Comments.

status of quail is somewhat confusing and no, we are not legal status of quail was ever changed. As noted in the il are still listed as an upland game bird in statute (87-2- herefore retain certain statutory protections governing d release. However, they do not maintain self-sustaining ations in the state and their status could certainly be changed tive action. Quail are specifically exempted from the defined ds that require a permit to be propagated and commercially Game Bird Farm statutes (87-4-901(2). Quail are listed in 87- species that can be hunted on a shooting preserve. Modifying list quail as a game bird would require concurrent action on n order to be consistent with this intent.

cument deals specifically with game bird farms and shooting igation Measure C-1 seeks to address disease-related ght forth during the public comment period for shooting er programs and their permitting requirements are not comprehensive way at this time. It is recognized that a rent issues dealing with these programs should be reviewed n a more consistent fashion, including the potential of disease nd NPIP certification. This could be handled by requiring that ird come from an NPIP participating flock and that the m the source of origin of that stock will suffice for compliance ement.

for your comments.

.etter 21

February 27, 2000

Fred Frey
1760 Frey Lane
Missoula, MT 59808

Montana Department of Fish, Wildlife, and Parks
P. O. Box 200701
Helena, MT 59620-0701

RE: Draft Programmatic Environmental Impact Statement

Dear Mr. Feldner,

I am taking this opportunity to provide background on changes that took place about 20 years ago in game bird farming in Montana and to make comment on the Departments preferred alternatives in the draft PEIS.

On page 2-1 of this document, there is a statement that game birds with respect to game bird farms includes all upland game birds except that the only pheasant included is the ringnecked pheasant and quail are not included. In 1975, when I was first issued my permit to raise game birds, quail were still included in the definition of game birds in MCA and ringnecks were the only pheasants that required a game farm permit. In a response to my request for a definition of "quail", the Department attorneys wrote me that it meant all species of quail. I didn't find it particularly comforting that a game farm permit would be required my anyone to raise quail knowing that none of the 40 plus species of quail in the world were maintaining a wild breeding population within the state, one species, Coturnix Japonica, was considered domesticated and used for egg and meat production, and the diminutive and rather delicate Chinese Painted Quail or Button Quail was being sold through pet stores (and unable to survive winters without supplement heat). At the same time, the Department proposed absurd legislative changes that not only were impossible for game bird raisers to comply with, but presented serious issues for shooting preserve operators, big game raisers, and the fur farms. This was the catalyst that brought many game bird raisers together and the formation of the Western Montana Aviculturists. Collectively, we defeated the game bird portion of the proposal and also sought to define "quail" through legislative action. I was not successful in locating my notes as to the exact year, but through the efforts of Senator Ed Smith, Governor Schwinden appointed a Game Farm Task Force to sort out the issues on Game Farms (then animals and birds), Shooting Preserves, and Fur Farms. I believe it convened during the summer of 1978.

I served as one of two game bird raisers on the Task Force along with representatives of the Department, the Governor's Office, and the other groups. The Task Force agreed to several significant changes with respect to raising game birds in Montana that were submitted to the Legislature in bill form. "Game farm" became the term associated with big game animals and

esponse to Comments.

-C FWP continues to utilize wild-trapped turkeys, which are primarily the rrian's subspecies, for any release purposes to establish or augment wild ulations. We do not see the value to those wild populations of introducing er races where genetic dilution is likely to occur. Inter-breeding with pen-red birds from different stocks or even pen-reared Merrian's stock, can uce the fitness of that wild population. Pen-reared turkeys sold through il order catalogs or agri-businesses are primarily from Eastern stock. ally, the behavior of pen-reared turkeys differs significantly from that of d birds. For those reasons, we continue to recommend against any release urkeys on new shooting preserves.

-D The recommendation to drop the state's avicultural permit is simply ort to remove duplication in state and federal permitting requirements. TI ommendation to combine the definitions of upland game bird and gratory game birds under a single game bird definition in 87-2-101 is an empt to clarify numerous references to game birds throughout the statut ther of these actions is intended to affect the Federal permitting proces the possession of migratory game birds by individuals.

hank you for your comments.

"game bird farm" with those birds defined as such in MCA87-04-901. Different fee structures also resulted, but I believe this remained a part of MCA, only to become part of the rule making authority of the Department at a later date. Also, a hobbyist or non-commercial bird farm status was created for those game bird raisers who only wanted possession of these birds for personal use; they were to only be allowed to transfer ownership to an approved game bird farm if they wanted to stop the activity. No permit fees were to be charged, but permission and pen construction remained subject to Department approval just like the game bird farms. We discussed the fact that a number of people, including game bird owners, enjoy raising cage birds and other game type birds including ornamental pheasants, waterfowl, both indigenous and non-indigenous, and related species of birds. By conclusion of the Task Force meetings, it was clearly the Department's position that they had no interest in regulating these type of birds other than their release into the wild.

The second major change removed the term "quail" from the definition of game birds. After hearing the concerns of the bird raisers, the Director of the Department stated that no breeding populations of any species of quail were present in the state and proposed to the Task Force the removal of this group of upland game birds from Montana's definition of game birds for game bird farm purposes.

21-A

As I browsed through the MCA the other day, it became apparent that related sections have been either more recently changed and/or the Task Force sponsored legislation and resulting codification are not totally consistent with the Task Force's final recommendations. That may have resulted in your statement on page 2-1 that individuals may raise quail with department authorization. That statement is inconsistent with both the Task Force efforts and what is done in practice. With quail removed from the definition of game birds, anyone should be able to raise bobwhite or other species of quail without the intervention of the Department. However, authorization is required for the release of such birds.

With respect to the MFWP Preferred Alternative in Chapter 6, the only part that I am totally in agreement with is that game bird farms should be categorically excluded from MEPA review. I will let the Shooting Preserve operators comment on whether or not they should be wholly or partially excluded.

21-B

I don't see the logic in requiring only the shooting preserves to release tested or NPIP certified birds. This implies that birds released with permission by individuals on private land, field trials, dog training, and the releases under the various Upland Game Bird Enhancement Programs will not be held to the same standard. I am not convinced we need to go to this extent since Montana is pullorium-typhoid free and imports must be either tested or from NPIP stock. Universally requiring this standard could have a negative impact on the enhancement programs and private releases. I do believe the Department should promote NPIP certification and initiate some dialog that, through legislation, would provide incentives to perform blood test or use NPIP birds. For instance, maybe those who apply these measures would be granted the extended seasons or could continue the concept of one time releases at the beginning of the season rather than be restricted to daily releases. I am confident that the involved parties could come up a variety of ideas to promote NPIP and blood testing without imposing these standards as law for all types of releases.

Response to Comments.

21-C

I am not convinced that pen-reared wild turkeys need to be entirely prohibited from release. It would have been helpful to me to know how many of the 45 states that ban or restrict their release also prohibit the release of other game birds and what some of the restrictions are. Since Merriams are not native, I ask, for discussion purposes, if we need to be as concerned as other states in keeping the race pure and wonder if another race or mix would be more successful? Could some of the Department's concerns be mitigated if turkeys were only released daily for scheduled hunts and banned only within a specified distance of a breeding range, similar to your proposal on sharp-tailed grouse lek and wintering areas? Seems that there are alternatives to banning the releases.

The proposal that shooting preserves be required to release a minimum of 300 birds of each species each season must have generated tremendous fire from the operators themselves. This has to be a business decision rather than a mandate of the State to raise or locate at least 300 birds of 5 or more species of game birds. They must be allowed to determine the kind of business they want to offer, who their customers will be, which of the allowable birds best fit the service they provide, or if it is even feasible to operate any given year. To encourage individuals to apply for personal/private release permits rather than a shooting preserve license, you should consider incentives, such as multi-year permits. It appears to me that the advantage of obtaining a shooting preserve license is to ensure longevity of your activities vs. a more subjective annual decision.

With respect to the proposed change to license fees for game bird farms, the increase is excessive. In Chapter 3 a survey indicates that two-thirds of the game bird farms in Montana had no sales or sold less than 100 birds. I am one of those operators and continue to renew my permit so that I can sell a few birds to offset part of my current costs and ready to become more commercial when time constraints permit. I would recommend either 1) a $40 license fee with a $20 renewal for all game bird farms or 2) a 2 level structure for small and large operators based on annual transfers.

21-D

At this time I have not had an opportunity to study the MCA and think through the impact of defining game birds to include all upland game birds and migratory game birds. How would this affect the Federal Fish and Wildlife permitting process required for migratory waterfowl raisers, the individual or hobbyist who wants to raise a few game birds for personal use or those who enjoy owning and raising a variety of ornamental game birds? It may look innocent, but I fear that such a change could have a negative impact on the rights and privileges of a number of us.

I can clearly tell you that I am opposed to redefining game farm birds through Administrative Rule, adding back any species of quail, and eliminating ptarmigan, sharp-tailed grouse, blue grouse, spruce grouse, prairie chicken, sage hen or sage grouse, or ruffed grouse from possible control on a game bird farm.

1) Montana law allows for game bird farms and must continue to specifically define the birds that will be controlled under those statutes. This definition is fundamental to the whole concept of a game bird farm and must remain in tact. This should not fall under rule-making.
2) Bobwhite quail do not need to be regulated under game bird farm law since they do not sustain a breeding population within the state. You should propose that quail be removed from the definition of "upland game bird" and ensure that the individual/hobbyist status is returned to the statutes as recommended by the Game Farm Task Force for individuals who prefer to raise game birds for personal use

Thank you for your comments.

only. Then, if required, propose changes that will ensure continued use of these birds for dog training and shooting preserve releases.

3) No information or evidence is offered in this Draft to even suggest or support an arbitrary proposal to eliminate the native game birds from the game bird farm provisions of Montana's statutes. Since we have seen this proposal appear several times over the past few years and then be withdrawn, I find it difficult to not think this is someone's personal agenda. I contend that the original laws covering game farms (animals and birds) were written for the expressed purpose of providing a mechanism for Montanans to own and control game birds and game animals in captivity yet preserve the state's interest in caring for the wild populations on behalf of all of us. I am confident that a majority of our Senators and Representatives believe there are adequate provisions in Chapter 87 to continue to allow sharp-tailed grouse, blue grouse, spruce grouse, prairie chicken, sage hen or sage grouse, ruffed grouse, and ptarmigan to be raised on Montana's game bird farms. The cost of purchasing these birds, their specialized needs, and the difficulties associated with rearing young will ensure low captive populations for some years to come and, consequently, should minimize any concerns of the Department about their game bird status. In this part of the Preferred Alternatives, I was surprised that you would want to specifically list Merriam turkeys in the definition of game farm birds, exempting the other 3 subspecies. Wouldn't this allow individuals to raise those subspecies without any oversite of the Department, or am I miss something? From my viewpoint, I suggest leaving the term "wild turkey" in the definition of birds requiring a game bird farm permit for ownership, propagation, and transfer.

I truly hope that the Department will revisit the MFWP Preferred Alternatives with respect to game bird farms and shooting preserves. As a native of this state and a Game Bird Farm Permit holder, I desire that we look for a balance between the mandates to the Department to protect our wildlife and the rights, privileges, and spirit of being a Montanan. I would hope that all of the players could again come to the table and search for common ground that best serves us all.

Sincerely,

Fred Frey

cc Montana Gamebird Association
file

Response to Comments.

Thank you for your comments.

Response to Comments.

.etter 22

Comments on Game Bird Farm Programmatic EIS

The majority of the game farm shooting preserves in the state of Montana are operated by the landowners. This is happening because difficult times in the farming industry. Farmers need to find every way to earn money to stay in business and keeping the land in their hands. Most preserves are located on land that is very desirable to out of state money. If these landowners cannot pay their bills these places will be sold for as much money as possible and most likely closed to ANY use by native Montanas. It's very important to keep these preserves in buiness. Landowners and preserve operators are proud of the fact that they enhance the wildlife in the surrounding areas. We all know this is true even though good studies have yet to be obtained. Some specific comments are listed below:

Shooting preserves are well hunted in our area, but our hunters like the pheasants to be as wild as possible. To accomplish this the birds must be turned out before the season starts. Operators are much more aware of predators, climate, etc. so know when the best time for release is. Marking the birds would be acceptable.

The proposed fee increase is very unmanageable. It's quite excessive for a one time increase. This increase will have to be passed on to hunters and will decrease hunter participation. If the fee is sensibile it can be up by license sales Everyone should be happier with this.

We want to keep the birds as healthy as possible. It's important to have NPIP certification. We want to enhance the native bird population, not damage it.

I certainly hope a sensible solution can be obtained. We sometimes forget that those of us on the land do understand these problemls very well. We live with them everyday. Thank-you for your time.

Jan French

Jan French
Rings and Rainbows shooting preserve
T Lazy T Ranch co-owner

FROM : T LAZY T RANCH INC FAX NO. : 4235304 Feb. 29 2000 01:27PM P1

Thank you for your comments.

Response to Comments.

etter 23

Feldner, Tim

From: ccr@lewistown.net
Sent: Tuesday, February 29, 2000 8:57 PM
To: tfeldner@state.mt.us
Subject: Comment on Game Bird Farm and Shooting Preserve EIS

To: Tom Feldner
From: Craig E. Roberts, President, Central Montana Chapter of Pheasants Forever
Tom,
We have reviewed The Draft Programmatic Environmental Impact Statement on the Game Bird Farm and Shooting Preserve Programs and offer the following comments. First off, we appreciate your agencies efforts to address the many deficiencies of the current Game Bird Farm and Shooting Preserve Programs. The MFWP's preferred alternative is certainly a move in the right direction. Our chapter of Pheasants Forever supports your preferred alternative, however I do want to convey to you that we have had an opportunity to review the response forwarded to you from the Big Sky Upland Game Bird Association in Missoula. They have devoted considerable time reviewing your PEIS and researching Game Bird Farm and Shooting Preserve Programs in other states as well as serious thought and discussion regarding the impacts of these operations on the wildlife resources that you folks are the trustees of. We would like to go on record in support of the many issues raised by the Big Sky Upland Bird Association that have not been addressed or incorporated into the MFWP's preferred alternative. As stated previously, the preferred alternative does move the Game Bird Farm and Shooting Preserve Programs in the right direction, but still lacks much to be desired.
The members of the Central Montana Chapter of Pheasants Forever thank you for the opportunity to respond.
Craig E. Roberts, President
Central Montana Pheasants Forever
908 West Washington
Lewistown Montana 59457

(406)538-3987

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Thank you for your comments.

Response to Comments.

.etter 24

BILL CUNNINGHAM
P.O. BOX 1404
CHOTEAU, MONTANA 59422
billpoll@3rivers.net
February 28, 2000

RECEIVED
FEB 29 2000
LAW ENFORCEMENT

Tim Feldner
Commercial Wildlife Permitting Program Manager
Montana Fish, Wildlife & Parks
1420 East Sixth Avenue
P.O. Box 200701
Helena, Montana 59620-0701

Re: Pragrammatic EIS for Game Bird Farms and Shooting Preserve Programs

Dear Mr. Feldner:

I have read the above referenced document and wish to offer the following comments. As an avid upland bird hunter I have been hunting wild game birds on publicly accessible areas in Montana for more than 40 years.

I am very concerned about the proliferation of game farms in Montana, both of big game and birds. I consider game farms to be one of the most serious threats to public hunting, to wild populations of game birds and animals, here in Montana. My concerns are summarized on page 5-11 under the cumulative effects section. A serious problem is the transmission of disease from game farm birds to wild birds, both native and non-native.

Specifically with respect to the preferred alternative I strongly oppose a categorical exclusion from MEPA for game bird farms. In addition, blood testing for all game birds released in Montana should be required for all avian diseases. I do support the increase in license fees and would like to see them even higher. These funds should be used to improve habitat and to provide access for public hunting.

Ideally MFWP should place a cap on any additional game bird farms and shooting preserves. We must do everything possible to protect our great public hunting heritage in Montana. Frankly we already have too many game bird farms and we don't need any more.

Thank you for considering my concerns and please keep me posted on developments regarding this issue.

Sincerely yours,

Bill Cunningham
1999 Conservation License # 19-714595

Thank you for your comments.

Response to Comments.

26-A Non-residents are required to possess and upland game bird license in order to hunt on a shooting preserve in Montana. They are given the option of obtaining either the standard non-resident license or a 3-day license which restricts them to shooting preserves only. Many of the non-residents do purchase the standard non-resident license.

26-B Impacts to wild sharp-tailed grouse resulting from release of pen-reared pheasants is discussed under "Interspecies Competition and Hybridization" in Chapter 3. Although pheasant introductions have not been documented as an impact on sharp-tailed grouse, the potential for interspecies competition exists. The PEIS provides adequate protection for the few remaining Columbian sharp-tailed grouse populations in Montana. The plains sharp-tailed grouse is still abundant and widespread in Montana east of the Continental Divide, thus special protection was not deemed necessary at this time.

26-C Impacts to public wildlife on existing facilities are discussed in Chapter 3. Potential significant impacts, including the potential introduction of pen-raised turkeys, and the introduction of pheasants in occupied habitat, are addressed by the proposed Alternative C and D mitigation measures. One of the suggestions in Alternative C is to band or otherwise mark pen-raised birds so they may be better differentiated from wild birds when shooting preserve operators report annual harvest statistics.

Thank you for your comments.

ıtter 25

RECEIVED
FEB 29 2000

1717 S. Black Ave. #51
Bozeman, MT 59715
February 26, 2000

Tim Feldner, Commercial Wildlife Permitting Program Manager
The Montana Department of Fish, Wildlife, and Parks
P.O. Box 200701
Helena, MT 59620-0701

Dear Tim,

I would like to express my concerns regarding the Programmatic Environmental Impact Statement (EIC) For Game Bird Farm and Shooting Preserve Programs. It is important to note that a non-resident is not required to purchase an upland bird license in order to participate in a harvest of game farm birds. Because almost fifty percent of game farm birds are wild birds, it is only reasonable to require a non-resident to purchase the upland bird license.

I would also support a bag limit to control the unnecessary harvesting of wild birds that often mix in the same habitats and with released pen-reared birds. Some method of differentiating wild from pen-reared birds is important. A visible ear tag would make this possible and it would be a means of controlling the loss of a public wildlife resource.

Finally, I would like to see and increase in the Game Farm Preserve licensing fee from $25.00 to $300.00 with a $100.00 renewal fee. This would make funds available for greater enforcement on shooting preserves. It is not fair for the Montana Sportsman and/or Sportswoman to shoulder this burden.

Sincerely yours,

Charles R. Barnosky

Letter 26

FLATHEAD WILDLIFE, Inc.
P.O. BOX 4
KALISPELL, MONTANA 59903

RECEIVED
FEB 29 2000
LAND USE PERMIT

February 23, 2000

Tim Feldner, Commercial Wildlife Permitting Program Mgr.
Fish, Wildlife & Parks
P.O. Box 200701
Helena, MT 59620-0701

Subject: Game Bird Farm and Shooting Preserve EIS

Dear Tim,

Flathead Wildlife, Inc., supports your preferred alternative.

- We strongly support the harvest of pheasant cocks only. We cannot support the harvest of wild hen pheasants.
- We support the increase in game farm licensing fees, however, believe they should be higher so as to support the greater enforcement cost of shooting preserves.
- We support that no new shooting preserves be located within one mile of a known Colombian sharp-tail wintering area unless it has an approved plan to protect native grouse.

There are several items that are conspicuous for their absence in the EIS, and we feel should be addressed. These include:

26-A
- The DFWP indicates a wide range of birds harvested on shooting preserves are wild birds, but does not require non-residents to obtain an upland bird license. The department is in dire need of money to manage these shooting preserves. We strongly urge FWP to require a resident and non-resident stamp.

26-B
- The EIS does not address the impacts to plains sharp-tailed grouse.
- The EIS does not address the mitigation to impacts to public wildlife on existing licensed facilities as well as competition by planted birds on native birds.

26-C
- Perhaps a banding program to delineate wild birds from stocked birds will aid in the over shooting of the wild bird population.

Your review and consideration of these omitted management needs would be greatly appreciated.

Sincerely,

Wayne B. Worthington

Wayne B. Worthington
Secretary-Treasurer

montana wildlife federation

The Wealth Of Our Nation Is In Its Natural Resources
Preserve It By Conservation, Not Conversation

FLATHEAD WILDLIFE INC. MONTANA

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Information
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ldner, Tim

om: Rainy Pass Repair [admin@rainypass.com]
nt: Tuesday, February 29, 2000 7:47 AM
Tim Feldner
Subject: PEIS Comments

February 28, 1999

Tim Feldner
Commercial Wildlife Permitting Program Manager
MFWP Headquarters
1420 East Sixth Avenue
Helena, MT 59620-0701

Dear Mr. Feldner:

I would like to comment on the PEIS as a sportsman, a dog trainer, and a game bird farm operator . I have also visited a few of the shooting preserves in the state of Montana as a guide, a hunter and as a potential operator. Although I have a commercial interest in the PEIS, my comments center around preserving the tradition of shooting sports in the state.

Thank you in advance for taking the time to listen to my concerns.

THE MFWP PREFERRED ALTERNATIVE, SHOOTING PRESERVE CHANGES.
I support requiring NPIP certification for all released birds. I must note however that compliance may be limited. The program is essentially self administered by the game farm operator. If a game farm has no interest in NPIP today, what are the chances the operator will continue to properly conduct his or her operation to NPIP standards in the future?

I am in favor of alternatives C-3a, C-3b and C-3c. This is an effective way to stop the practice on preserves of shooting wild populations and for using the preserve license to simply extend the hunting season and bag limits. All of these alternatives are easily workable and cost effective for a shooting preserve.

Regarding items 2 and 4: as a sportsman I think controls protecting all wild populations are extremely important and should always take precedence over commercial concerns.

ADDITIONAL PROGRAM CHANGES.
I don't see any justification for changing the game bird farm license fee . I would support a fee increase if the funds are used to enforce NPIP standards.

I am in strong support of the shooting preserve surcharge with the associated usage of the funds. Shooting preserves not only threaten wild bird populations, but encourage the limiting of public access.

I am in agreement with the reasoning behind the minimum bird release, however I do not support it.

Releasing any birds that are not likely to be immediately harvested posses a threat to wild populations and is a waste of resources. Is this going to be an effective way to limit the preserve license from being used for individual use? 300 birds may be excessive for an operator that wants to provide his or her clientele with a variety of birds. Why should 300 birds be released if the clients don't choose to shoot a particular species? Consider the barrier to entry for the new preserve. It can easily take years to develop a customer base; in the mean time the new preserve is faced with unnecessary costs that only add to the problem of protecting wild populations.

1

Response to Comments.

Thank you for your comments.

27-A

Additionally, 300 birds is not excessive for many dog trainers. All of the preserves I know that use the license for personal use do so to allow an individual to train shooting dogs. Each of them clearly release 300 plus birds of at least one species during the year. From this point of view 300 is not enough to accomplish the goal of this regulation. I do not think this regulation is clear or effective enough to accomplish its goal. It may soon become another ineffective and unworkable regulation.

The preserve operators that I am familiar with that use their license for personal use, do so primarily to circumvent the regulations requiring applications to release birds for dog training. Most operators (and some MFWP personnel) believe an application must be submitted each day they want to train. They also choose the preserve license to extend the time they can train their dogs. Without it, birds can not be killed for dog training from April 15 to July 15. I think the increased license fee and surcharge, along with allowing year round release of quail would have a positive impact toward the goal of limiting the non commercial use of preserve licenses. Clearing up the permit process to accommodate dog training would also help a great deal.

27-B

What possible justification is there for defining quail as a game bird species in the state of Montana? Does anyone believe these birds will establish themselves in the wild here. If they ever do, that would be the time to include them in the game bird statutes. I have been raising and releasing quail for years and have never seen one survive outside the pen for long. Predators make an easy meal of them long before the snows arrive.

OTHER COMMENTS

Shooting Preserves

27-C

If MFWP needs to go to the legislature to make some program changes, why is the archaic shooting preserve distance requirement not being addressed? The arguments I have heard that support the law have come only from established preserves trying to protect their business. None of the arguments I have heard have merit. The MFWP biologists I have spoken to about the statute don't support it. Now seems to be the obvious time to bring the discussion before the public.

Dog Training

This area is being grossly overlooked by MFWP. It is an important issue for sportsman, many of whom will never see the PEIS.

27-D

Please make accommodations for the personal dog trainer. "Permits for Field Trials or Dog Training" (p. 2-5) is completely inadequate and demonstrates total ignorance of dog training practices. Dog training is an integral part of bird hunting for many sportsman. Trainers need the freedom to release and kill birds to develop a hunting dog. (I put 300 quail in front of a dog in its first year of training). At the very least quail, not being a game bird in Montana, should be allowed for use in personal dog training.

Any season limitations should be removed for the personal release for dog training. Individuals who participate in dog trials need to train their dogs nearly year round to be competitive. The NSTRA (one of many trial organizations) trial seasons run February through June and August through October. Training is needed during the trial seasons, not between them. What competitors train only in the off season?

Currently it is illegal to train from April 15 to July 15. (See General Terms #4 at the bottom of the Application to Kill Game Birds for Dog Training, Appendix A). The argument given to me by state biologists for the restricted release dates in regards to dog training was: to allow birds of all types, nesting in the tall grasses, to remain undisturbed until their young leave the nest. Consider that the area I train in is my alfalfa field. I can prevent my dogs from disturbing the young song birds, however the dogs have no impact when compared to the combine that goes through the field in mid June. This limitation, at the very least, should be corrected for private property.

Thank you again for taking the time to consider my comments. I

appreciated your time on the phone this morning and would be more than happy to clarify my comments verbally if requested. (Writing is not always an efficient means of exchanging ideas).

Please keep me informed of further proposals.

Sincerely,

Bob Upton
Walker Creek Farms
2775 Dillon Road
Whitefish, MT 59937

Phone: 800-959-4926
Fax: 406-862-5857
Email: bob@rainypass.com

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Letter 28

February 27, 2000

ATTENTION: Tim Feldner
Commercial Wildlife Permitting
Program Manager

Headquarters
1420 East Sixth Avenue
P.O. Box 200701
Helena, Mt 59620-0701

Dear Mr. Feldner,

We greatly enjoyed the opportunity to meet and visit with you at the meeting held January 18 at the MFWP Region 4 Headquarters. It is very encouraging and exciting to meet someone that is optimistic, open minded and eager to assist us in the game bird industry. We are new to this industry and frankly have been discouraged a few times when it has come to Law Enforcement, but we both believe in the benefits of working with local officials. Our local Warden Wendy Kamm is a great asset to us. Wendy has provided us with information and assistance over the past 15 years during our Hunter Education Classes and now is an advocate of our Game Bird Farm.

We have worked hard at building and maintaining bonds with our neighbors and as a result they have favored us with bird purchases. One of the requests we get every year is for Chukar and Hungarian Partridges. If you know the Chukar then you would realize their charm. They have a distinctive call, are beautiful in their plumage and are a personable bird. The Hungarian is a local favorite. Local landowners are captivated by the small flocks that we have and are continually discouraged at their inability to purchase birds for release. We felt it was important for you to know that there is an interest in purchasing Chukar's and Hungarian Partridges for release and so we circulated this petition. The following 115 names belong to landowners, hunters, sportsmen and women that support the release of these birds. We believe strongly in maintaining healthy birds, it is after all in our best monetary interest, and would only want NPIP approved birds released. We encourage landowners to evaluate their habitat and support organizations that work towards habitat enhancement.

All of this involves working together and maintaining open communications. If at anytime you would like assistance in Chouteau County please feel free to contact us. We look forward to hearing from you.

Sincerely,

Jodie and Curt Butler

to Comments.

Montana Fish Wildlife and Parks
Law Enforcement Division

The following landowners and sportsman have signed this letter to encourage the release of pen reared Chukars and Hungarian Partridge on private property. Game birds would be released under the department application for Ringneck Pheasants with the exception that release occur on a year round basis. Chukars and Hungarian Partridges are found in Montana and to insure the health of wild bird populations, only game birds purchased from licensed NPIP approved game bird farms should be released. The Programmatic Environmental Impact Statement of August 1999, alternative D-3, D-4 and D5 are changes that we believe would benefit and enhance our communities and properties. We look forward to working with MFWP to enhance game bird populations and improve habitat for all species.

NAME	ADDRESS		PHONE
[illegible] Butler	595 15th #4	Bozeman	582-4465
[illegible]	1705 Franklin	Ft Benton	622-5178
Travis Donner	1411 Franklin		622 5852
Pete Gasvoda	PO Box 87	Big Sandy	378-2216
Ted Pursley	Box 95	Big Sandy	378-3124
[illegible]	Box 219	Big Sandy	378-3152
Scott [illegible]	Box 152	Big Sandy	378-2647
Colby Baumgarn	Box 61	Big Sandy	378-2329
Curtis Owen	Box 478	Big Sandy	378-2144
Damon Molinario	Box 273	Carter	734-5487
[illegible]	Box 2	Ft Benton	622 3363
[illegible]	Box 701	Ft Benton	622-3309
[illegible]	Box 481	Ft. Benton	622-3744
[illegible]	Box 554	Ft Benton	622-5925
Allyn Hawking	Box 491	Ft. Benton	622-5049
Mark Shoeburn	Box 311	Ft Benton	622-5034
Josh Mayerne	Box 933	Ft. Benton	622-3674
Ron Lohse	HCR65 Box 47	Carter	734-5212
John Poytress	PO Box 154	Ft Benton	622 5551
Bruce Thompson	Box 96	Geraldine	737-4346
Terry J Mateka	PO Box 48	Highwood	733 2156
[illegible]	Box 46	Carter	734-5286
[illegible]	[illegible]	[illegible]	[illegible]

Cactus Hill Gamebirds
Curt & Jodie Butler
P.O. Box 174
Carter, MT 59420

for your comments.

sponse to Comments.

Montana Fish Wildlife and Parks
Law Enforcement Division

The following landowners and sportsman have signed this letter to encourage the release of pen reared Chukars and Hungarian Partridge on private property. Game birds would be released under the department application for Ringneck Pheasants with the exception that release occur on a year round basis. Chukars and Hungarian Partridges are found in Montana and to insure the health of wild bird populations, only game birds purchased from licensed NPIP approved game bird farms should be released. The Programmatic Environmental Impact Statement of August 1999, alternative D-3, D-4 and D5 are changes that we believe would benefit and enhance our communities and properties. We look forward to working with MFWP to enhance game bird populations and improve habitat for all species.

NAME	ADDRESS	PHONE
[illegible] Myers	Carter MT	734-5448
[illegible]	Bozeman MT	582-4465
[illegible]	Vaughn Mt.	964-0581
Travis Berg	Vaughn MT	964-0581
[illegible]	Great Falls	454-1062
[illegible]	Ft Benton	622-3777
[illegible]	Great Falls	727-7666
Mike [illegible]	Ft Benton	622-5583
[illegible] Johnson	Ft Benton	739-4286
Lisa Michalski	Great Falls	453-1869
Michael J Schmidt	Great Falls	453-3886
Elizabeth Schmidt	G.F.	453-[illegible]
Jeff Schotte	G.F.	454-0503
Ellen Schotte	G.F	454-0503
MARTHA FERGUSON	Box 687 Ft Benton 59442	622-3277
Jeff Ferguson	3200 19th Ave S. Gt Falls, MT 59405	453-6460
Jack [illegible]	FB	622-3278
[illegible] Bramlette	FB	622-3354
[illegible]		
[illegible]	Great Falls	727-4892
[illegible] B. [illegible]	Gt Falls	866-2070
[illegible]	Ulm	866-2070
Curt Butler	Carter	734-5367

Cactus Hill Gamebirds
Curt & Jodie Butler
P.O. Box 174
Carter, MT 59420

ank you for your comments.

Response to Comments.

Montana Fish Wildlife and Parks
Law Enforcement Division

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NAME	ADDRESS	PHONE
[illegible]	Ft Benton	
[illegible]	Ft Benton	622-33[illegible]
[illegible]	[illegible] MT	
[illegible]	[illegible]	59[illegible]
[illegible]	P.O. Box 153 Ft Benton MT 59442	
[illegible]	Box 1356 Ft Benton MT 59442	
[illegible] Burdick	Box 1356 Ft Benton MT 59442	
[illegible]	Box 177 Ft Benton MT 59442	
[illegible]	Box 632 Ft Benton MT 59442	
[illegible]	Box 1505 Ft Benton MT 59442	
[illegible]	Box 191 Loma	739-4255
[illegible] Davis	Box 190 Loma	739 4255
[illegible]	Box 216 Carter	734-5437
[illegible]	127 BHLR [illegible]	452-8[illegible]
[illegible]	2006 6ST NW G.F	761-2815
[illegible]	311 Wilson Rd GF	452-7253
[illegible]	290 E Portage Rd Floweree	452-5886
[illegible]	912 25 Ave S.W. G.F.	727-2050
[illegible]	1024 17th Ave S.W. GF	453-0096
[illegible]	Box 222 Carter MT 59420	734 5263
[illegible]	R.R Box 2 Fort Benton MT	622 3554
[illegible]	P.O. Box 51 Fort Benton	622-3[illegible]
[illegible]	P.O. 714 Ft Benton	737-4427

Cactus Hill Gamebirds
Curt & Jodie Butler
P.O. Box 174
Carter, MT 59420

Thank you for your comments.

Response to Comments.

Montana Fish Wildlife and Parks
Law Enforcement Division

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NAME	ADDRESS	PHONE
[illegible]	3K 578 Ft Benton	622 3221
[illegible]	1301 24 Ave SW 6F	771-8571
[illegible]	1780 94th Rd NE Power	463-2400
Becky Wyman	1760 94th Rd NE Power	463-2400
[illegible]	1418 Front St	622-5548
[illegible]	1305-11th St	622-5768
[illegible]	715 Washington	622-5182
[illegible]	Box 492	622-5503
[illegible]	Box 585	622-5042
[illegible]	111 (6th St.	622-5252
Debra Clark	1410 Chouteau Ft Benton	622-5715
Kyla Kalgaard	1708 Main Ft Benton	622-5724
[illegible]	1011 32nd Ft Benton	622-5910
[illegible]	Box 1152 Ft. Benton	622-3795
[illegible]	Box 211 Ft Benton	622-5910
[illegible]	1105-15th Ave S.W. Great Falls MT	727-5027
[illegible]	Box 687 Ft. Benton MT 59442	622-3277
[illegible]	4186-5th Ave So. G. Falls 59405	761-4578
[illegible]	300 14 Ave So #5 Great Falls MT	727-3838
[illegible]	617 4th St	Havre MT 59501
[illegible]	617 4th St	Havre, MT 265-8338
[illegible]	1708 22 Ave So	Great Falls, MT 761-5407
[illegible]	1223 Cherry Dr	Great Falls MT 59404 727-4969

Cactus Hill Gamebirds
Curt & Jodie Butler
P.O. Box 174
Cartey, MT 59420

Thank you for your comments.

Response to Comments.

Montana Fish Wildlife and Parks
Law Enforcement Division

The following landowners and sportsman have signed this letter to encourage the release of pen reared Chukars and Hungarian Partridge on private property. Game birds would be released under the department application for Ringneck Pheasants with the exception that release occur on a year round basis. Chukars and Hungarian Partridges are found in Montana and to insure the health of wild bird populations, only game birds purchased from licensed NPIP approved game bird farms should be released. The Programmatic Environmental Impact Statement of August 1999, alternative D-3, D-4 and D5 are changes that we believe would benefit and enhance our communities and properties. We look forward to working with MFWP to enhance game bird populations and improve habitat for all species

NAME	ADDRESS	PHONE
Mike Lewis	Po Box 1411 Great Falls	727 5421
[illegible] Hopewell	105 20th St S. Gt Fls	452-6585
Jeff [illegible]	1601 ½ 6th Ave N.W.	761 3359
[illegible] Osterman	704 14th St. So.	727-6475
Jerry G Due	132 7th AVE S.E Cut Bank	873 3053
Timmy V DOAN	1108 16th SW	453-6824
Skip Peters	3124 8th Ave No	453 6805
JOHN BERRA	409 LITTLE Sleeping CHILD RD	363 6692
Dustin J [illegible]	2619 4th Ave NW Gt Falls MT	771-7563
M [illegible]	Box 3322 Great Falls	788-5531
Robert [illegible]	#26 30th SW Gt Falls	761-2774
Ron Long	PO Box 247 Ulm, mt.	264-5338
TERRY JEWELL	Box 193 CARTER MT.	734-5467
Shannon Walker	Box 42 Floweree mt	734-5389
James Walker	Box 42 Floweree mt	734-5389
[illegible]	Box 63 Fort Benton Mt	622-5106
[illegible]	Box 2lla Carter Mt	734-5457
Donna Wiggs	Box 15 Floweree, Mt	734-5320
[illegible]	Box 196 Carter Mt	734-5345
[illegible]	Box 196 Carter Mt	734-5345
Linda Willson	Bx 1224 Fort Benton	622-5252
[illegible] Ridding	Bx 23 Rudyard	355-4356
Cindy [illegible]	PO Box 1298 Ft Benton MT	5-9111

Thank you for your comments.

Response to Comments.

Letter 29

RECEIVED
FEB 29 2000
LAW ENFORCEMENT

MONTANA GAMEBIRD
ASSOCIATION, INC

TELEPHONE: 406-265-3820
59643

591 HWY 437 TOSTON MT

OFFICE OF THE PRESIDENT

FEBRUARY 25, 2000

Manager Tim Feldner
Commercial Permitting Program
Montana Dept Fish, Wildlife & Parks
P.O. Box 200701
Helena, MT 59620-0701

Dear Tim:

Thank you for talking with the **MONTANA GAMEBIRD ASSOCIATION** and giving **MGA** the opportunity to express our concerns about the current PEIS. We appreciate your interest in our opinions and are confident that both FWP's and **MGA's** goals are similar--FWP & **MGA** both want to make Montana a better place to hunt for sports people. Thanks also for bringing Dr. Thomas Linfield. Several people had a chance to have questions answered with which they have been concerned.

The following is a written comment from **MGA** on the Game Bird Farms and Shooting Preserves PEIS. **MGA** members chose to address the CHAPTER 6, MFWP PREFERRED ALTERNATIVE. Individually, members could send in personal written comments regarding the other specific Alternatives A, B, C, D and/or other comments in the PEIS.

I. "Other changes for shooting preserves would include:"

1. On item #1, The **MONTANA GAMEBIRD ASSOCIATION** supports this item...requiring NPIP certification on all released birds.

2. On item 2, **MGA** feels that more study is needed before banning turkey releases.

3. On item 3, a) more study is needed before implementing this item. Unanimously, we are basically opposed to this item; b) **MGA** feels that the type of release should be left up to the management of each individual shooting preserve; and c), **MGA** feels that this part of item 3 is not necessary. It will lead to too much more work and add to confusion.

4. On item 4, **MGA** feels there is no proof to substantiate this item.

Thank you for your comments.

II. "Additional program changes would include:"

1. Items 1 and 2, **MGA** is opposed to any fee increases.

3. Item 3, **MGA** feels that the release of 300 birds per species is excessive and should be removed from the PREFERRED ALTERNATIVE.

4. On items 4 & 5, a) **MGA** agrees to definitions of game birds and Game Bird Farms; and b) **MGA** would like to see all game farm birds eligible for release on private land, in particular Hungarian partridge and Chukar partridge.

Again, thanks, and best wishes,

Todd Cazier

TODD CAZIER
MGA PRESIDENT

Response to Comments.

30-A. Please see response to 9-G.

Thank you for your comments.

Response to Comments.

Letter 30

February 29, 2000

Tim Feldner
Commercial Wildlife Permitting Program Manager
Montana Fish Wildlife & Parks
P O Box 200701
Helena, Montana 59620-0701

Dear Tim,
Thank you for the opportunity for comment on the PEIS concerning game bird farms and shooting preserves. We've concentrated our comments on what we feel directly involve us a game bird farm.

1. We wholeheartedly support that all game birds released in Montana should be blood tested for pullorum typhoid or originate from NPIP certified stock, whether released on a preserve or by a private individual. Montana game bird farms and shooting preserves must already purchase out of state stock from NPIP approved farms or blood tested stock, according to regulations set by the Montana Department of Livestock. Because of that regulation it would not be a great hardship to the game bird farm operator to report NPIP certificate numbers on MFWP reports. We have been doing it for several years. With that in mind, Mitigation Measure C-1 should also apply to birds raised on new and existing game bird farms, in addition to released birds.

30-A

In your final EIS you may want to concentrate on why testing for pullorum/typhoid is important to keep Montana's Pullorum Typhoid Free status. The example of botulism stated in the Draft EIS really doesn't make a good argument for participation in the NPIP program, as botulism is a management problem related to picking up and disposing of dead birds, providing fresh feed, etc.

2. We do not have a problem with the proposed fee increase for bird farms.

3. We would like to comment that perhaps grouse could remain as a game bird that may be raised by a game bird farm. We currently have grouse on our license and although we have never had a grouse on the place we would still like to have the option to raise grouse for other states that may release them in the future.

Sincerely,
J.C. and Eileen Jackson
Rocky Mountain Hatchery & Game Birds

P.O. Box 636 * Victor * Montana * 59875 * 800-219-4285 * Fax 406-642-6095

Email Birdman40@aol.com Web Site http://members.aol.com/birdman40/pheasant.html

Thank you for your comments.

Response to Comments.

February 29,2000

Montana Fish Wildlife and Parks
Tim Feldner
P O Box 200701
Helena, MT 59620-0701

Dear Tim,

The Western Game Bird Association, Montana Chapter, sent out approximately 200 surveys to obtain members feelings and comments on the Draft Game Bird Farm and Shooting Preserve Programs PEIS on December 29,1999. We have compiled their responses and would like to submit it to you as the Western Game Bird Associations comment at this time. Thank you for the opportunity to comment.

Sincerely,
Eileen Jackson
MFWP- PEIS Committee Chairman for the Western Game Bird Association

Western Game Bird Association * P.O. Box 636 * Victor * Montana * 59875

Thank you for your comments.

Response to Comments.

Western Game Bird Association Questionnaire Results
Regarding MFWP Draft Programmatic Environmental Impact Statement
Concerning Game Bird Farms and Shooting Preserves

1. Which Alternative described in the PEIS do you support? (Please check one)
Alternative A (No action Alternative) ___ (PEIS Chapter 4 page 4-1)
Alternative B ___ (PEIS Chapter 4 page 4-1)
Alternative C ___ (PEIS Chapter 4 pages 4-1 through 4-4)
Alternative D ___ (PEIS Chapter 4 pages 4-4 through 4-5)
Please comment below on specific issues or concerns you have regarding your choice above.

Of those responding to this survey:
75% responded in support of Alternative A
25% responded in support of Alternative D

None responded in support of Alternative B or C

Additional individual comments are below:
" I think there can be some changes but just not so drastic of ones. So if I have to pick one it would be "A".

The MFWP Preferred Alternative has selected a combination of alternatives C and D as the preferred alternative to game bird farms and shooting preserve program management. Please respond to the following questions below:

Do you support other changes for shooting preserves to include:

1. Require all game birds released in Montana to be blood tested for pullorum-typhoid or come from an NPIP certified game bird farm. (Mitigation Measure C-1)
___I do support the above statement
___I do not support the above statement

75% responded in support of NPIP testing
25% responded in not supporting NPIP testing

Some individual comments are below:
"The last thing we need in Montana is someone putting out a bunch of birds carrying a disease into the wild, which could affect wild and pen raised birds."

" I agree with the NPIP testing program, as everyone should, to help protect our wild birds."

"Control birds coming in- no more farm stores unless birds come from certified farms."

2. No release of turkeys pending a change in statues. (Mitigation Measure C-2)
___ I do support the above statement
___ I do not support the above statement

Thank you for your comments.

Response to Comments.

55% responded in support of the above statement
40% responded in not supporting the above statement
5% Had no comment

Additional individual comments are below:
" I understand problems. There are areas where there are no native populations, so wouldn't interfer. I think rules could be instituted."

"There is nothing I know that warrants this action. No other surrounding states support this action. However, if further studies prove this to be a problem I would support."

3. Denial of new shooting preserves in areas that support established wild game bird populations, unless the licensee agrees to harvest only rooster pheasants (Alternative C-3a) release game birds on a daily basis as needed to meet customer demand (Alternative C-3b), and distinguish pen-reared birds from wild birds for monitoring purposes (Alternative c-3a).(See Mitigation Measure C-3 for entire proposals)
___ I do support the total statement, above
___ I do not support the total statement above
___ I do not entirely support the statement above

20% responding support the total statement above
50% responding do not support the total statement above
30% responding do not support the total statement above , entirely

Additional individual comments below:
" I question the necessity of C-3b and C-3c. Although I think all released birds should be banded or otherwise distinguishable from wild stock, and the harvest of wild birds be recorded and reported as a percentage of harvest."

" Release gamebirds on a daily basis? Strike on a daily basis."

"I believe this is the best way to address the harvesting of wild birds and is a very workable solution for most shooting preserves."

4. New shooting preserves located within one mile of a known Columbian sharp tailed grouse lek or wintering area would be required to operate under an approved plan for releasing pheasants that would protect native grouse populations.(Mitigation Measure C-4)
___ I do support the above statement
___ I do not support the above statement

55% responding support the above statement
20% responding do not support the above statement
25% responding had no comment on the above statement

Additional individual comments below:
" I know of no study that shows the competition between shartail grouse and pheasants. Habitat, again is the key."

5. Propose rule changes to increase the license fee for game bird farms from $25 with a $15 renewal fee to $100 with a $50 renewel fee.(Mitigation Measure D-1a)
___ I do support the above statement
___ I do not support the above statement

15% responding support the above fee increase

Thank you for your comments.

Response to Comments.

"As I have a shooting preserve license which is not generally used as a public/commercial venture, I think 300 birds as required in D-2 is rather excessive."

8. Game birds would be defined in the statutes to include upland game birds and migratory game birds.(Mitigation Measure D-6)
____I support the statement above.
____I do not support the statement above

45% responding support the above statement
45% responding do not support the above statement
10% responding had no comment

9. Game farm birds would be defined in the Administer Rules of Montana to include ringneck pheasants, bobwhite quail, chukar partridge, Hungarian partridge and Merriams turkey. Statutory changes in definitions could not be accomplished until 2001.(Mitigation Measure D-6)
____I support the statement above
____I do not support the statement above

35% responding support the above statement
45% responding do not support the above statement
20% had no comment

Additional individual comments below:
" I would support the above statement if grouse remained on the list of game bird farm birds."

" The only way I would support this, is if FWP lets me release chukar partridge."

"Although I think the current regulatory ambiguity regarding quail needs to be cleared up, I think quail should be excluded from most regulations (D-5) save C-1."

31-A Information from other states (South Dakota and Colorado) indicate that the harvest of wild pheasants on shooting preserves **can be as high as** 20-50%. However, many shooting preserves do not harvest any wild birds because pen-reared pheasants are released just minutes before a hunt. The PEIS requires that all pheasants released on shooting preserves be marked such that harvested wild pheasants can be documented and reported. Monitoring of the harvest of wild pheasants on shooting preserves over several years will permit FWP to identify shooting preserves that require specific mitigation to reduce the harvest of wild birds. Specific mitigation might include release of pheasants immediately before a hunt during periods when wild pheasants can not be legally harvested, and cock only harvest during the open pheasant season.

Thank you for your comments.

Response to Comments.

Letter 31

MONTANA WILDLIFE FEDERATION

Six decades of preserving our hunting, fishing, and wildlife heritage.

RECEIVED
MAR. 01 2000
LAW ENFORCEMENT

February 25, 2000

Tim Feldner, Commercial Wildlife Permitting Program Manager
Montana Department of Fish, Wildlife, and Parks
P.O. Box 200701,
Helena, MT 59620-0701

Dear Mr. Feldner:

I would like to submit comments regarding the Draft Game Bird Farm and Shooting Preserve Program Programmatic Environmental Impact Statement (PEIS) on behalf of the Montana Wildlife Federation.

The MWF does not support any of the alternatives presented in the PEIS, including the preferred alternative. The preferred alternative does not adequately address many of the potential impacts to native wildlife. In fact, the preferred alternative shirks the Department of Fish, Wildlife, and Parks' (FWP) responsibility as the trustee of our public wildlife. It is FWP's responsibility to conserve our public wildlife and mitigate potential impacts to this resource.

The PEIS includes information that estimates 20-50% of the birds harvested on shooting preserves are wild, public birds. The PEIS does not mitigate the impacts to plains sharp-tailed grouse, sage grouse, or Hungarian partridge. Pheasant habitat often overlaps suitable habitat for other upland species. The potential impacts that shooting preserves have on public wildlife are not mitigated in the PEIS. We strongly suggest that shooting preserves be excluded from all native grouse and upland bird habitats. In addition, we suggest that measures be taken to mitigate the affects of inadvertent harvest of public wildlife. The PEIS fails to take measures that adequately mitigate these impacts.

31-A

It is impossible to distinguish a wild bird from a pen-raised bird in the field. There are methods of tagging pen-raised birds for identification that have been used in North Dakota and should be considered as an alternative. Also, since 20-50% of the birds harvested on shooting preserves are public birds, every hunter must be required to have an Montana upland bird stamp and should adhere to the restrictions placed on every hunter, including: upland bird season restrictions, daily bag limits, cock pheasant only harvests, and possession limits! If pen-raised birds are tagged, as we suggest, any violation of Montana upland bird regulations, including the harvest of wild birds out of season, should be reported and the appropriate fine should be levied.

P.O. Box 1175, Helena, Montana 59624 tel: 406-449-7604 fax: 406-449-8946 e-mail: mwf@desktop.org.interact

Thank you for your comments.

By requiring the appropriate upland bird license for all hunters the monies generated by this could provide the resources necessary for the enforcement of our state laws governing the harvest of wild birds. These laws must be enforced regardless of the shooting preserve status and the PEIS does not evaluate the costs required to enforce our state laws. There is no evaluation of the monies that would be generated by requiring the proper upland bird license. The PEIS fails to adequately address the financial burdens on conservation license dollars for enforcement of upland bird regulations, and for the administrative costs associated with the shooting preserve program.

The cumulative impacts that these operations have on our public wildlife are not addressed in the PEIS. The existing and inadequate mitigation measures that are proposed in the PEIS apply only to new operations. There are not adequate measures taken to address the impacts of the 71 existing shooting preserves. This is unacceptable and could leave FWP open to legal challenge. Measures must be taken to mitigate the impacts of the existing operations, not just new ones.

In summary, the PEIS is sorely lacking measures that protect and conserve our public wildlife. We encourage FWP to consider our suggestions. Thank you for the opportunity to comment.

Sincerely,

Josh Turner

Josh Turner, President
The Montana Wildlife Federation

Response to Comments.

Thank you for your comments.

Response to Comments.

Letter 32

Russell Country Sportsmen's Association

P.O. Box 282 • Great Falls, Montana 59403

February 29, 2000

Tim Feldner,
Montana Fish, Wildlife & Parks
1420 East Sixth Ave.
P.O. Box 200701
Helena, MT 59620-0701

Re: EIS - Game Bird Farm & Shooting Preserve Programs

Dear Mr. Feldner,

Members from the Russell Country Sportsmen's Association attended the Public hearing in Great Falls and have studied the Draft EIS.

Our Club would like to offer the following comments regarding the EIS document.

1: We are concerned about the harvest of wild bird populations in the shooting preserve program. Any way you look at it, illegal harvesting of Montana's game birds is occurring. All planted or pen raised birds should be tagged before release. When wild birds are inadvertently taken, they must be considered as part of the state's wild bird bag limit and all hunting must cease when the limit or possession limit is reached. This also points out the need for a mandatory Montana bird stamp (both residents & non-residents) which would require all hunters on shooting preserves to comply with state bag limits of wild birds. Arguments that planted birds more than alleviate the loss of wild birds do not hold true. It has been proven many times that planted birds are lucky to survive the day let alone contribute to any new population of wild birds.

2: We support the harvest of cock pheasants only. This would once again help protect wild bird populations.

3: We strongly support the increase in licensing fees to $300 with a $100 renewal fee. We sportsmen are getting damned tired of subsidizing the harvesting of our wild game birds and animals for the personal financial benefit of a few "alternate livestock" or "alternate poultry" farmers. It is about time that they at least pay their own way without a subsidy of sportsmen dollars.

4: We adamantly oppose <u>any</u> exclusion from the MEPA process. Bypassing MEPA for the financial benefit of a few is an injustice to all Montanans. It would virtually eliminate public involvement in safeguarding the protection of a wildlife population. It is the responsibility and duty of the state as the people's trustee to safeguard our public resources for this and future generations through the MEPA process.

Thank you for the opportunity to comment on this less than adequate draft EIS.

Dave VanTighem

Dave VanTighem, President
Russell Country Sportsmen's Association
P.O. Box 282
Great Falls, MT 59403

Thank you for your comments.

Response to Comments.

Letter 33

Chris Coyle

RECEIVED
MAR 02 2000
LAW ENFORCEMENT

Memo

To: Tim Feldner
From: Chris Coyle
CC:
Date: 02/28/00
Re: Game Bird and Shooting Preserve Programs

I am writing to you about the Game Bird and Shooting Preserve Programs. I urge FW&P to apply the same game management principles and laws as are required for hunting wild birds. Not doing so is only a further privatization of public hunting, deprives the State and it's taxpayers and sportsman license revenue which is rightfully due, and allows increased introduction of pen raised birds, the ultimate affect of which is currently unknown.

FW&P should be serving the greatest public interest in Montana. Instead, we get the feeling you are increasingly driven by commercial and private interests. Please remember who your real constituents are.

Page 1

34-A The current PEIS does not propose that shooting preserves be categorically excluded from MEPA review. Shooting preserves will be evaluated for potential environmental impacts and will only be excluded from further MEPA review if all potential impacts are mitigated.

34-B Issues identified in the initial scooping document as well as all but one issue identified in the Big Sky Upland Bird Association's letter of March 2, 1998 have been discussed in the final PEIS. Issues identified in the March 2, 1998 letter included the 10 mile radius regulation, the licensing requirements in place for shooting preserve clients, and a comment relevant only to the pheasant enhancement program, which is not part of the scope of this PEIS.

34-C The original stated scope of the PEIS was to provide a systematic interdisciplinary analysis of the probable impacts of licensing game bird farms and shooting preserves in Montana. MFWP feels that

Response to Comments.

34-D As you mention, mitigation measure C-3 does refer to shooting preserves located in "habitat supporting well established wild bird populations" referring to all of the upland bird species. In addition, the mitigation measures, including the marking of all released birds and the release of pen reared birds on a "daily" basis, mitigate effects not only on ring neck pheasants, but on all upland bird species.

Thank you for your comments.

Letter 34

Big Sky
Upland Bird Association
P.O. Box 9005 • Missoula, MT 59807-9005

RECEIVED
FEB 29 2000
LAW ENFORCEMENT

February 25, 2000

Tim Feldner, Commercial Wildlife Permitting Program Manager
Montana Department of Fish, Wildlife And Parks
1420 East Sixth Avenue
PO Box 200701
Helena, MT 59620-0701

Dear Mr. Feldner:

On behalf of the Big Sky Upland Bird Association (BSUBA), a Montana-based non-profit organization with over 60 members affiliated with the Montana Wildlife Federation, I would like to submit comments on the draft Game Bird Farm and Shooting Preserve Program Programmatic Environmental Impact Statement (PEIS) of August 1999.

34-A We have many unresolved concerns about the scope, description of adverse environmental effects, and alternatives of the draft PEIS, and cannot support any of the alternatives, including the preferred alternative, as presented. The draft PEIS inadequately addresses many issues that are of concern to our organization, and to the upland bird resources our organization is dedicated to conserving. In our view, categorical exclusion from MEPA under the terms described in the draft PEIS for any Shooting Preserve is unacceptable.

34-B The PEIS does not contain a detailed statement on the adverse environmental effects that cannot be avoided if this proposal is implemented, or a thorough analysis of alternatives to the proposed action. Further the PEIS does not consider all issues cited in "Scoping for Programmatic Environmental Impact Statement (EIS) on Game Bird Farms and Shooting Preserves, Public Participation Open House, March 3, 1998" an MDFWP document soliciting public participation in the scoping process, and describing issues that had been identified by MDFWP. BSUBA submitted comments dated March 2, 1998 on this agency scoping document supporting all the issues cited as "relevant and significant." In addition BSUBA identified additional issues in these same comments that are not addressed in the draft PEIS.

34-C In our opinion, without substantial additional efforts to meet the original stated scope of the PEIS, without a detailed statement on the adverse environmental effects that cannot be avoided, and without a thorough analysis of alternatives, adoption of a final PEIS would represent clear and convincing evidence that the decision was arbitrary or capricious, or not in compliance with law.

Dedicated to
Improving habitat for all upland birds • Opening more land to the public
Encouraging ethical hunting and good relationships with landowners and managing agencies
Educating and informing upland bird hunters and fostering friendships among them

Response to Comments.

Additional concerns about the PEIS include inadequacy of analysis regarding impacts to:

- wild populations of native and naturalized upland bird species and subspecies;
- fiscal impacts to MDFWP created by permit and licensing fees that are inadequate to cover costs of monitoring and enforcement, and which might divert funds from other critical areas;
- social and economic impacts to the human environment and the traditional recreational pursuit of wild upland birds in Montana, particularly where Shooting Preserves and Game Bird Farms may effect the wild upland bird resource on public and private lands.

Impacts of Inadvertant Harvest, Disease, and Competition to Wild Upland Birds

The PEIS cites sources estimating that 20-50% of birds harvested on shooting preserves are wild, yet proposes mitigation measures related to impacts of direct harvest which only address wild Ring-necked Pheasant. Shooting preserves often attract inexperienced and/or non-resident upland bird hunters unfamiliar with Montana's many species of upland birds. Such hunters are less skilled at identifying upland birds, for example distinguishing a hen pheasant from a Sharp-tailed Grouse or Sage Grouse, or distinguishing a wild Gray Partridge from a pen-raised Chukar. The PEIS fails to describe how inadvertent harvest of these native and naturalized upland bird populations will be mitigated, and does not offer an alternative that would adequately address this significant impact.

34-D

The PEIS must consider impacts and offer mitigation to all our upland bird species and subspecies, not only wild Ring-necked Pheasant and Columbian Sharp-tailed Grouse. For example, there is no definition of a "habitat supporting well established wild bird populations…" in mitigation measure C-3. This is critical, because a wide variety of habitats other than those preferred by Ring-Necked Pheasant support other wild upland bird populations. For example sage habitats support Sage Grouse, grasslands and deciduous shrub supports Sharp-tailed Grouse, a variety of arid grasslands support Gray Partridge, and evergreen and riparian habitats support Ruffed, Blue, and Spruce Grouse. The PEIS proposes no measures to mitigate impacts to these native and naturalized wild upland bird species on Shooting Preserves, issues which include harvests out-of-season, and in excess of the daily bag and possession limits. As a mitigation measure, the PEIS should consider excluding Shooting Preserves from all native upland bird habitats, not just Ring-necked Pheasant habitat.

The U.S. Fish and Wildlife Service has determined the Columbian Sharp-tailed Grouse "warranted" to be listed as threatened under the federal Endangered Species Act (USFWS 1999). The PEIS admits potential impacts to Columbian Sharp-tailed Grouse from breeding disruption and competition, but offers no mitigation measures for Plains Sharp-tailed Grouse, even though all the biological factors which make Columbian Sharp-tailed Grouse vulnerable to impacts from release of pen-reared pheasants apply to Plains Sharp-tailed Grouse. The U.S. Fish and Wildlife Service has been petitioned for listing of various Sage Grouse populations as threatened or endangered; this PEIS should address impacts to Sage Grouse and propose alternatives which mitigate potential impacts from Shooting Preserves. Further the PEIS does not describe how or if efforts will be made to detect native Sharp-tailed Grouse or Sage Grouse leks near shooting preserves. Regardless, mitigation measure C-4 is inadequate to protect either Columbian Sharp-tailed Grouse or other native subspecies such as the Plains Sharp-tailed Grouse; a 1-mile prohibition around leks may protect disruption of breeding and nesting, but does not mitigate for

2

34-E Considering the 10 mile radius, approximately 500 shooting preserves could potentially be licensed in Montana. That number is reduced substantially due to access problems for some areas (road access in particular) and little motivation for establishment of shooting preserves in some of those areas. Many regions in Montana currently have all available and accessible shooting preserve locations already permitted.

34 – F Mitigation measure C-3c is being applied to both new and existing shooting preserves. Marking of all birds released on shooting preserves and recording the numbers of wild vs. pen reared birds harvested on shooting preserves around Montana will allow for an evaluation of whether wild bird populations are being significantly impacted.

Thank you for your comments.

Response to Comments.

disease or competition. A radius of six-ten miles around leks would more accurately reflect documented Sharp-tailed Grouse movements between lek and winter range (Meints 1991, Prose 1987, Giesen and Connelly 1993).

Shooting Preserves also often plant grain or use feeders to "lure" or concentrate released birds; the PEIS does not propose how to mitigate attracting wild birds to these facilities with these feeds, despite identification of this issue in the MDFWP scoping document.

The potential impacts of wild birds being harvested at Shooting Preserves are extensive. Wild Upland Bird Harvest seasons, bag limits, and possession limits are intended to protect the state's wildlife resource, and conserve this valuable wildlife resource for future generations. Because of the difficulties of differentiating between released Shooting Preserve birds and wild birds, the PEIS should consider alternatives and mitigation which includes the following measures:

- not being allowed to operate outside the dates of the wild bird seasons.
- being required to adhere to the daily bag limits and possession limits of wild birds for all birds shot on their facilities.
- being required to fully license non-resident hunters, because is has to be assumed that wild birds will be harvested.
- being required to report harvests of wild upland birds, either lawful or in violation of law.

Available documents provide relevant and substantial evidence of the harvest of wild pheasants that should be expected on Shooting Preserves. Between 1993 and 1999 73,384 wild pheasants were reported shot on private Shooting Preserves in South Dakota, representing over 17% of total harvest (Thompson 1999); such hard data, not just personal communications, should be taken into consideration in the PEIS.

As outlined in the PEIS a categorical exclusion from MEPA is not acceptable regarding disease is any described instance. Potential disease impacts and issues are inadequately analyzed, and the preferred alternative does not adequately mitigate for all potential disease impacts. For example, the proposed mitigation measure requiring screening through the National Poultry Improvement Plan (NPIP) or blood testing for pullorum-typhoid only provides a diagnostic test for two of fourteen "important" game bird diseases (Table 3-1). This leaves twelve diseases which could potentially be passed from Game Bird Farm and Shooting Preserve birds to wild populations, and for which no mitigation measures are proposed.

Cumulative Impacts

34-E The PEIS fails to describe or analyze the cumulative environmental impacts of Shooting Preserves. For example, the total number of Shooting Preserves that could be sited in Montana are limited only by the current prohibition on siting facilities closer that 10 miles to each other. The PEIS should state the number of Shooting Preserves that could be sited in Montana using this spacing criteria, and analyze the potential impacts.

34-F A major inadequacy of the analysis and mitigation measures proposed is the PEIS are that C-3a, C-3b, and C-3c are only applied to "new" shooting preserves, not the seventy-one existing

34 – G Non-residents under 18 years of age would have to show proof of completing a hunter safety program in their resident state before being allowed to purchase a 3 day non-resident shooting preserve permit. Only 278 three day shooting preserve permits were purchased in 2000. It is difficult to access the gain or loss in license fees due to the availability of those special licenses as they may attract clients that would not otherwise buy an upland bird license.

Thank you for your comments.

Letter 34

shooting preserve facilities. The PEIS fails to assess the cumulative impacts of existing and new facilities, and fails to propose mitigation for these cumulative impacts. Mitigation measures for the seventy-one existing facilities should be considered as alternatives. Also the PEIS does not analyze the cumulative impacts on wild bird populations of increased harvest through extended hunting seasons, lure crops, and potential disease infection.

Socioeconomic Impacts Related to Licensing, Monitoring and Enforcement

The PEIS cites sources estimating that 20-50% of birds harvested on shooting preserves are wild. Effective enforcement and monitoring is a substantial issue. No evaluation is given of the costs required to enforce and monitor these facilities. It has to be assumed that current levels of monitoring of shooting preserves will be inadequate to assess harvest rates of wild birds, and that voluntary reporting of wild bird harvest will be incomplete. More monitoring will be needed to accurately assess impacts to wild bird populations. Further, the preferred alternative, if adopted, essentially promotes a pattern of wild upland bird harvest violations. In addition mitigation measure C-3c is inadequate because the costs of a monitoring program and mitigation measures, such as wild upland bird habitat evaluation, wild grouse lek surveys, or other field monitoring, are not described or analyzed.

Facility licensing fees are likely inadequate to cover the potential costs of administering or monitoring shooting preserves. Any funds expended in excess of collected must be considered a subsidy of the shooting preserve industry, using public conservation license dollars. Further consideration should be given to the economic impacts of Shooting Preserves to expenditure of public funds, and to the economic value of the wild bird resources that may be impacted by adoption of the PEIS.

34-G

The PEIS does not propose to require that a non-resident purchase an upland bird license for this harvest, instead requiring only the purchase of a 3-day non-resident shooting preserve bird hunting stamp for $20.00. The PEIS is inadequate by not including an alternative addressing the dollars that would be generated through requiring the purchase of a non-resident license at the new $110 rate (not the $55 cited), particularly with the rapid growth projected for the number of shooting preserve facilities. In addition, Hunter's Safety Education is not required to purchase a non-resident shooting preserve bird hunting stamp; the PEIS should analyze the socioeconomic impacts and liabilities of allowing often young, inexperienced non-residents to pursue game with firearms in Montana, without any formalized instruction.

Thank you very much for the opportunity to comment on the draft PEIS for Game Bird Farm and Shooting Preserve Programs. We look forward to MDFWP thoroughly incorporating our comments and concerns into preparation of a final PEIS. We also look forward to considering all our options once a final PEIS, preferred alternative, and Record of Decision are adopted.

Sincerely,

Ben Deeble
President

CHAPTER 8

COORDINATION AND PREPARATION

LIST OF PREPARERS

Lead Agency - Montana Department of Fish, Wildlife and Parks

Karen Zackheim - Project Manager, Enforcement Division/MEPA Coordinator

Tim Feldner – Assistant Project Manager, Enforcement Division, Commercial Wildlife Permitting Program Manager

Maxim Technologies, Inc.

Patrick Dunlavy – Project Manager/Water Resources/Recreation/Noise/Access and Land Use

Terry Grotbo – Assistant Project Manager/MEPA Compliance

Patrick Mullen – Project Scientist

Thomas Butts – Project Scientist

FaunaWest Wildlife Consultants

Dr. Craig Knowles - Wildlife and Fisheries

Candace Durran

Soil/Vegetation

Northwest Resource Consultants

Linda Priest - Socioeconomic Resources

PUBLIC NOTICE AND AVAILABILITY

As part of the preparation of the Game Bird Farm and Shooting Preserve Programmatic EIS, MFWP solicited comments by letter on the draft report from all licensed game bird farm and shooting preserve operators, the Montana Wildlife Federation, and others who have expressed an interest in the subject over the past three years. Distribution of these notices on November 18, 1999, initiated a public comment period that solicited comments through February 29, 2000. MFWP held public hearings in Great Falls on January 18, 2000, and in Billings on February 1, 2000. Copies of the Final PEIS can be obtained from the MFWP in Helena.

CHAPTER 9

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APPENDIX A

Game Bird Farm/Shooting Preserve Application Forms

Montana Fish, Wildlife & Parks

Application for Game Bird Farm License

(Not Applicable to Quail)

Fee: $25.00

Name of

Applicant::_____

Address: _____

_____

City **State** **Zip**

If non-resident, name of resident agent:_____

Address: _____

_____

City **State** **Zip**

Exact legal description of land on which the game bird farm is to be located:

County: _____

Section: _____ **Township:** _____ **Range:** _____

Species of Game Birds: _____

_____

Name and address of source of foundation stock: _____

_____

_____

Type of Fencing: _____

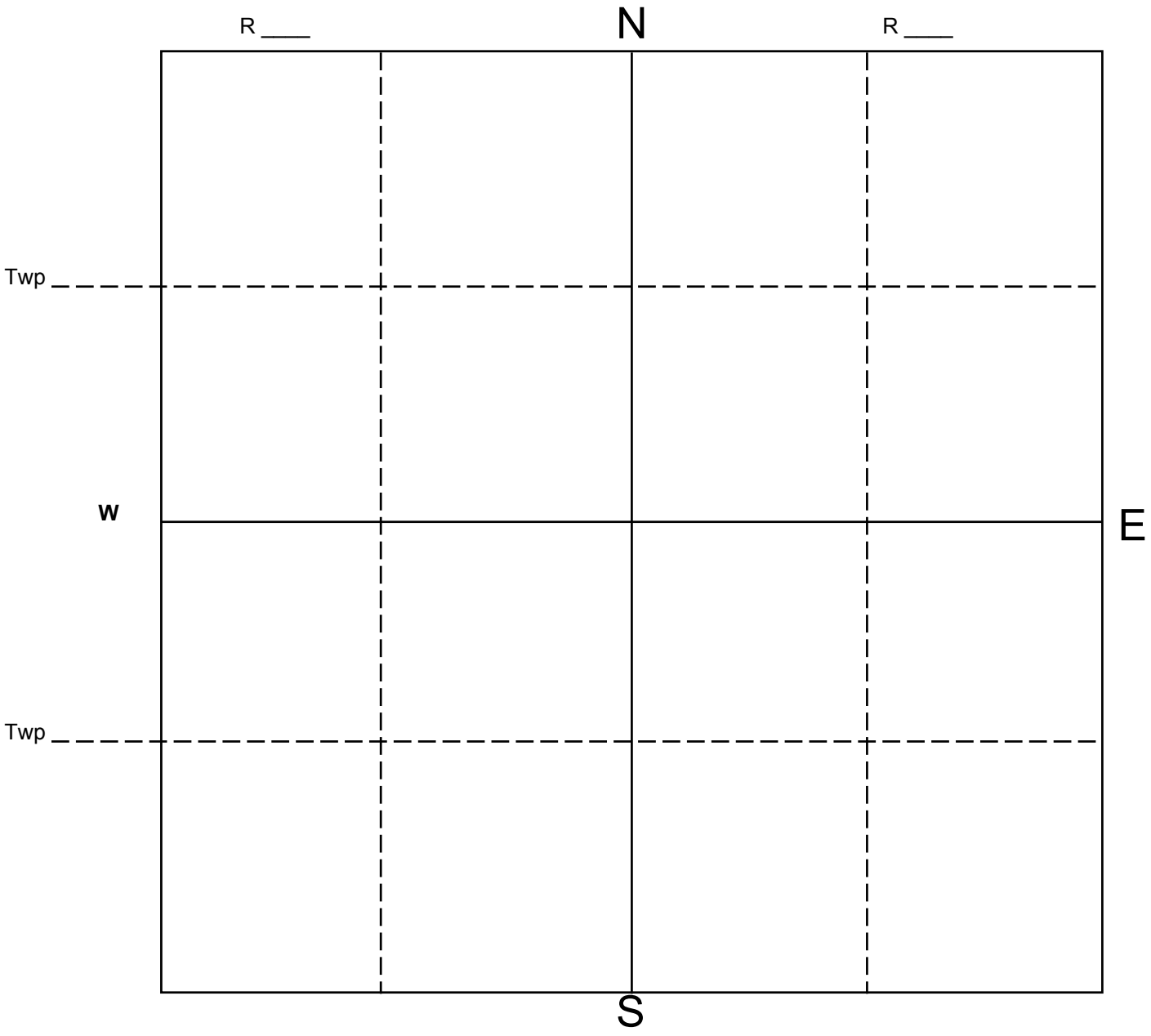
Do you plan to sell live or processed birds? _____

Date: _____ **Applicant Signature:** _____

11/99 Form FG-11a

Scale 1" = _____

Large square represents _____ section(s)



Draw in location of game farm to scale on lands owned or leased by applicant. Fill in legal subdivision, Section number, Township and Range.

Give exact acreage contained within pen.

Montana Fish, Wildlife & Parks

11-01

APPLICATION FOR
PRIVATELY OWNED & OPERATED SHOOTING PRESERVE LICENSE

1. Name of Applicant _____ Phone _____

2. Address_____
Street or Box Number City State Zip

3. Is applicant: Person _____ Partnership _____
Association _____ Corporation _____

4. Legal description of preserve area - give section, township, range and total acreage **(**may not exceed 1280 acres).

_____
Township Range Section(s) Total Acres

5. Which of the following species, artificially propagated, will be released for hunting?

Pheasants _____ Quail _____ Chukar Partridge _____ Hungarian Partridge

Merriam's Turkey_____

6. For each species, what minimum number will you stock each year?_____

_____

7. Will this preserve be open only to members or owners and their guests, or will it be open to the public on a commercial basis?_____

8. Have you enclosed the proper fee? ($50 for first 160 acres, plus $20 for each additional 160 acres or portion thereof) Amount enclosed _____

9. Have you enclosed a map of the area, drawn on a 72 minute U. S. Geological Survey Map? Yes

Signature of Applicant _____

Date _____

Note: No license may be issued if your site is within 10 miles of an existing shooting preserve.

Submit application to the regional office in which the shooting preserve is located. (Office addresses on reverse side)

490 North Meridian Road
Kalispell, Mt. 59901

Region 2 – Missoula
3201 Spurgin Road
Missoula, Mt. 59804

Region 3 – Bozeman
1400 South 19th
Bozeman, Mt. 59718

Region 4 – Great Falls
4600 Giant Springs Road
Great Falls, Mt. 59405

2300 Lake Elmo Drive
Billings, Mt. 59105

Region 6 – Glasgow
Rural Route 1 - 4210
Glasgow, Mt. 59230

Region 7 – Miles City
Industrial Site W
Miles City, Mt. 59301

3/01 **PERMIT # FT-_____**

Montana Fish, Wildlife & Parks

APPLICATION FOR PERMIT TO CONDUCT FIELD TRIAL

Name of applicant_____

Address_____
St. or P.O. Box City County Zip
Name and address of any national affiliate, club, organization_____
_____

Date or dates requested for field trial_____

Description of site (Type of habitat)_____

Location of site_____
Township Range Section
Owner of described land_____

Will live birds be used?_____ If so, what species_____

Source of birds to be used_____

Return application to Regional FWP office that administers area requested.

It is understood that if permission is granted to conduct this field trial, the applicant will carefully flush all wild game birds from the fields used for this field trial each day before the trial begins, will not permit dogs to run free in fields that have not been carefully flushed, and will assure that all live game birds used in the field trial are tagged before being planted or released.

_____
Signature of Applicant

_____
Title (if representing an organization)

STATE OF MONTANA)
)ss
County of_____)
_____, being duly sworn, deposes and says that he is the applicant or chief executive officer of the applicant above named and that he has read the above application and the statements therein stated are true.
Subscribed and sworn to before me this _____day of _____ 20_____

_____
NOTARY PUBLIC for the state of Montana
Residing at _____Montana
My Commission expires _____

This application must be completed in its entirety and submitted to the regional FWP office not less than twenty (20) days prior to the date proposed for the field trial. Please become familiar with the field trial regulations which follow:

87-4-915. Field trials -- permits. (1) As used in this section, "field trial" means an examination to determine the ability of dogs to point, flush, or retrieve game birds.

(2) No person may conduct a field trial unless he has received a permit under this section. Applicants for a permit to conduct a field trial must make application to the director upon a form furnished by the department for that purpose. The application must be signed and sworn to by the applicant, stating the applicant's name and address, the name and address of any national affiliate, the place for the field

trial clearly defined, the date or dates of the proposed field trial, whether live birds are to be used, and any other information required by the director to determine the advisability of granting permission for the proposed field trial. The application must state that if a permit is granted, the applicant will carefully flush all wild game birds from fields used for the field trial each day before the field trial begins and will not permit dogs to run free in fields that have not been carefully flushed. The application must be presented to the director not less than 20 days prior to the date proposed for the field trial.

(3) The director may refuse any application that he determines is not in the best interests of the protection, preservation, propagation, and conservation of game birds in this state. Any denial by the director of such application must state the reasons therefor and must be mailed to the applicant within 10 days of receipt of the application.

(4) No applicant receiving a permit to conduct a field trial may violate or authorize violation of any of the terms of the permit.

(5) All live game birds used in a field trial must be tagged before being planted or released and may be planted or released only in the presence of a representative of the department. If an untagged bird is shot during any field trial, the person to whom the permit was issued must immediately replace it with a live bird.

(6) (a) Dogs may be trained in open fields at any time without permission of the director only if:

(i) no live game birds are killed or captured during training; and

(ii) the training is more than 1 mile from any bird nesting or management area or game preserve.

(b) A person may train dogs with a method that will kill birds acquired from a game bird farm only after receiving a written permit from the department and only in compliance with the terms of the permit.

PERMIT AUTHORIZATION: **(to be completed by FWP)**

_____ _____ _____ _____

Warden Captain Date Wildlife Manager Date

PERMIT DENIAL: This application to conduct a field trial has been denied for the following reasons:

_____ _____ _____ _____

Warden Captain Date Wildlife Manager Date

Copies to: Applicant, Warden, Helena HQ. Original in regional file.

3/01 **PERMIT # PT-_____**

Montana Fish, Wildlife & Parks

Application and Permit to:

PART 1. Possess game birds for non-commercial purposes (or)
PART 2. Kill game birds for dog training

Note: Applicants wishing to kill game birds for dog training must complete Parts 1 and 2. Applicants wishing only to possess game birds for non-commercial purposes need only complete part 1. **All applicants must sign the back of the application.**

Name_____

Address_____
St. or P.O. Box City County Zip

PART 1. APPLICATION FOR PERMIT TO POSSESS LIVE GAME BIRDS FOR NON-COMMERCIAL PURPOSES.

Species to be Possessed _____

Description of Enclosure_____
_____

NOTE: GAME BIRDS MAY NOT BE RELEASED UNDER THIS PERMIT TO POSSESS

Location where birds will be held_____
Township Range section

PART 2. APPLICATION TO KILL BIRDS IN DOG TRAINING

Game bird species and number requested_____
_____

Legal description of property where training will take place

Township Range Section

Landowners signature_____

Beginning and last dates for which permit is requested
_____
Beginning date Last date

General Terms of Permits

1. All birds killed must be game bird farm birds obtained from a lawful source and released at the time of training only.
2. Permittee must carefully flush all wild game birds from the training area each day.
3. Game bird farm birds may only be killed by the permittee. This permit is not transferable and is valid only for training dogs owned by the permittee except that the permittee may kill game bird farm birds for a nonresident dog trainer only for a period of three days prior to or three days following a registered field trial in which the nonresident has dogs competing.
4. All game bird farm birds used for training must have a streamer of fluorescent surveyor tape conspicuously attached prior to release at the training site.
5. Permittee must keep an accurate record of dates, numbers and species of all game bird farm birds used.
6. All dog training areas must be more than one mile from any designated game preserve, bird nesting or management area.
7. Permittee must have a permit to possess (part 1) for all game birds and a bill of sale for all game bird farm birds.
8. Trainers utilizing mallards for dog training must also have in possession documentation of legal acquisition and possession of the migratory birds.
9. Permit expires annually on December 31.
10. Any violation of the terms of this permit may result in revocation and/or criminal penalties.

_____ _____

Applicant's Signature **Date**

Return permit to Regional FWP office that administers the area requested for game bird possession or dog training.

RECORD OF GAME BIRD FARM BIRDS KILLED

Date	Species	Number	Initials	Date	Species	Number	Initials

PERMIT APPROVAL:

_____ _____ _____ _____

Warden Captain Date Wildlife Manager Date

Copies to: Applicant, Warden, Helena HQ. Original in regional file.

3/01 **PERMIT #PR-_____**

Montana Fish, Wildlife & Parks

APPLICATION FOR PERMIT TO RELEASE RING-NECKED PHEASANTS

BETWEEN MARCH 1 AND AUGUST 31 FOR **NON-COMMERCIAL** PURPOSES

NAME (PRINT)_____

ADDRESS_____
St. or P.O. Box City County Zip

BIRD RELEASE SCHEDULE REQUESTED (A MAXIMUM OF 200 PHEASANTS MAY BE RELEASED ANNUALLY ON A PARCEL OF LAND)

Number_____ Date_____

Number_____ Date_____

Number_____ Date_____

LOCATION OF RELEASE _____
Township Range Section

OWNER OF PROPERTY _____
(If ring-necked pheasants are to be released on property other than your own, a written authorization by the landowner must be obtained and attached to this application.)

DATE_____APPLICANT'S SIGNATURE_____
Mail to regional office that administers area (see addresses on backside of application)

AUTHORIZATION TO RELEASE RING-NECKED PHEASANTS

The lawful holder of this permit is authorized from Montana Department of Fish, Wildlife & Parks to release ring-necked pheasants for non-commercial purposes on specified dates between March 1 and August 31. **Permit expires August 31.**

Approved _____ Approved_____
Warden Captain Wildlife Manager

Date_____ Date_____
Copy to: Applicant, local Warden, Helena HQ. Original in regional file.
Please return the completed form to the Regional Fish, Wildlife & Parks Office that administers the area in which the permit is requested:

Region 1 – Kalispell
490 North Meridian Road
Kalispell, Mt. 59901

Region 2 – Missoula
3201 Spurgin Road
Missoula, Mt. 59804

Region 3 – Bozeman
1400 South 19th
Bozeman, Mt. 59718

Region 4 – Great Falls
4600 Giant Springs Road
Great Falls, Mt. 59405

Region 5 - Billings
2300 Lake Elmo Drive
Billings, Mt. 59105

Region 6 – Glasgow
Rural Route 1 - 4210
Glasgow, Mt. 59230

Region 7 – Miles City
Industrial Site W
Miles City, Mt. 59301

Permit to Release Policy

1. A maximum of 200 pheasants may be released on an annual basis on one contiguous parcel of property. It is recommended that upland bird habitat be available on any parcel selected for release of pheasants.
2. The permit to release ring neck pheasants for non-commercial use expires on August 31 of the year of issue. Pheasants may not be released after August 31.
3. Priority for permit issuance will be given to applicants who charge no fee for pheasant hunting
4. Once released, pen reared pheasants are considered wild birds and fall under all upland bird hunting regulations.
5. Charging for harvest of pheasants on a per bird basis violates MCA 87-3-111 which prohibits the sale of wild game birds except as specifically permitted by Montana laws.

APPENDIX B

Current Environmental Assessment Checklist

DRAFT

MEPA/NEPA/HB495 CHECKLIST

PART I. PROPOSED ACTION DESCRIPTION

1. Type of Proposed State Action

2. Agency Authority for the Proposed Action

3. Name of Project

4. Name, Address and Phone Number of Project Sponsor (if other than the agency)

5. If Applicable:
   Estimated Construction/Commencement Date

   Estimated Completion Date

   Current Status of Project Design (% complete)

6. Location Affected by Proposed Action (county, range and township)

7. Project Size: Estimate the number of acres that would be directly affected that are currently:

	Acres		Acres
(a) Developed:		(d) Floodplain	_____
residential.....	_____		
industrial.....	_____	(e) Productive:	
		irrigated cropland	_____
(b) Open Space/Woodlands/Recreation	_____	dry cropland	_____
		forestry	_____
(c) Wetlands/Riparian Areas	_____	rangeland	_____
		other	_____

8. Map/site plan: attach an original 8 1/2" x 11" or larger section of the most recent USGS 7.5' series topographic map showing the location and boundaries of the area that would be affected by the proposed action. A different map scale may be substituted if more appropriate or if required by agency rule. If available, a site plan should also be attached.

9. Listing of any other Local, State or Federal agency that has overlapping or additional jurisdiction.

(a) Permits:

Agency Name	**Permit**	**Date Filed/#**

(b) Funding:

Agency Name	Funding Amount

(c) Other Overlapping or Additional Jurisdictional Responsibilities:

Agency Name	Type of Responsibility

10. Narrative summary of the proposed action or project including the benefits and purpose of the proposed action:

11. List of agencies consulted during preparation of the EA:

PART II. ENVIRONMENTAL REVIEW

1. Evaluation of the impacts of the Proposed Action including secondary and cumulative impacts on the Physical and Human Environment.

A. PHYSICAL ENVIRONMENT

1. LAND RESOURCES Will the proposed action result in:	IMPACT *				Can Impact Be Mitigated*	Comment Index
	Unknown *	None	Minor *	Potentially Significant		
a. **Soil instability or changes in geologic substructure?					x	
b. Disruption, displacement, erosion, compaction, moisture loss, or over-covering of soil which would reduce productivity or fertility?					x	
c. **Destruction, covering or modification of any unique geologic or physical features?	x				x	
d. Changes in siltation, deposition or erosion patterns that may modify the channel of a river or stream or the bed or shore of a lake?	x				x	
e. Exposure of people or property to earthquakes, landslides, ground failure, or other natural hazard?	x					
f. Other:	x				x	

Narrative Description and Evaluation of the Cumulative and Secondary Effects on Land Resources (Attach additional pages of narrative if needed):

2. AIR Will the proposed action result in:	IMPACT *				Can Impact Be Mitigated*	Comment Index
	Unknown *	None	Minor *	Potentially Significant		
a. **Emission of air pollutants or deterioration of ambient air quality? (also see 13 (c))						
b. Creation of objectionable odors?						
c. Alteration of air movement, moisture, or temperature patterns or any change in climate, either locally or regionally?						
d. Adverse effects on vegetation, including crops, due to increased emissions of pollutants?						
e. ***For P-R/D-J projects, will the project result in any discharge, which will conflict with federal or state air quality regs? (Also see 2a)						
f. Other:						

Narrative Description and Evaluation of the Cumulative and Secondary Effects on Air Resources (Attach additional pages of narrative if needed):

3. WATER **Will the proposed action result in:**	**IMPACT ∗**				**Can Impact Be Mitigated∗**	**Comment Index**
	Unknown ∗	**None**	**Minor ∗**	**Potentially Significant**		
a. ∗Discharge into surface water or any alteration of surface water quality including but not limited to temperature, dissolved oxygen or turbidity?						
b. Changes in drainage patterns or the rate and amount of surface runoff?						
c. Alteration of the course or magnitude of floodwater or other flows?						
d. Changes in the amount of surface water in any water body or creation of a new water body?						
e. Exposure of people or property to water related hazards such as flooding?						
f. Changes in the quality of groundwater?						
g. Changes in the quantity of groundwater?						
h. Increase in risk of contamination of surface or groundwater?						
i. Effects on any existing water right or reservation?						
j. Effects on other water users as a result of any alteration in surface or groundwater quality?						
k. Effects on other users as a result of any alteration in surface or groundwater quantity?						
l. ∗∗∗∗For P-R/D-J, will the project affect a designated floodplain? (Also see 3c)						
m. ∗∗∗For P-R/D-J, will the project result in any discharge that will affect federal or state water quality regulations? (Also see 3a)						
n. Other:						

Narrative Description and Evaluation of the Cumulative and Secondary Effects on Water Resources (Attach additional pages of narrative if needed):

4. VEGETATION **Will the proposed action result in:**	**IMPACT ∗**				**Can Impact Be Mitigated ∗**	**Comment Index**
	Unknown ∗	**None**	**Minor ∗**	**Potentially Significant**		
a. Changes in the diversity, productivity or abundance of plant species (including trees, shrubs, grass, crops, and aquatic plants)?						
b. Alteration of a plant community?						
c. Adverse effects on any unique, rare, threatened, or endangered species?						
d. Reduction in acreage or productivity of any agricultural land?						
e. Establishment or spread of noxious weeds?						
f. ∗∗∗∗For P-R/D-J, will the project affect wetlands, or prime and unique farmland?						
g. Other:						

Narrative Description and Evaluation of the Cumulative and Secondary Effects on Land Resources (Attach additional pages of narrative if needed):

∗∗ 5. FISH/WILDLIFE **Will the proposed action result in:**	**IMPACT ∗**				**Can Impact Be Mitigated ∗**	**Comment Index**
	Unknown ∗	**None**	**Minor ∗**	**Potentially Significant**		
a. Deterioration of critical fish or wildlife habitat?						
b. Changes in the diversity or abundance of game animals or bird species?						
c. Changes in the diversity or abundance of nongame species?						
d. Introduction of new species into an area?						
e. Creation of a barrier to the migration or movement of animals?						
f. Adverse effects on any unique, rare, threatened, or endangered species?						
g. Increase in conditions that stress wildlife populations or limit abundance (including harassment, legal or illegal harvest or other human activity)?						
h. ∗∗∗∗For P-R/D-J, will the project be performed in any area in which T&E species are present, and will the project affect any T&E species or their habitat? (Also see 5f)						
i. ∗∗∗For P-R/D-J, will the project introduce or export any species not presently or historically occurring in the receiving location? (Also see 5d)						
j. Other:						

Narrative Description and Evaluation of the Cumulative and Secondary Effects on Land Resources (Attach additional pages of narrative if needed):

B. HUMAN ENVIRONMENT

6. NOISE/ELECTRICAL EFFECTS **Will the proposed action result in:**	**IMPACT ∗**				**Can Impact Be Mitigated ∗**	**Comment Index**
	Unknown ∗	**None**	**Minor ∗**	**Potentially Significant**		
a. Increases in existing noise levels?						
b. Exposure of people to serve or nuisance noise levels?						
c. Creation of electrostatic or electromagnetic effects that could be detrimental to human health or property?						
d. Interference with radio or television reception and operation?						
e. Other:						

Narrative Description and Evaluation of the Cumulative and Secondary Effects on Land Resources (Attach additional pages of narrative if needed):

7. LAND USE **Will the proposed action result in:**	**IMPACT ∗**				**Can Impact Be Mitigated ∗**	**Comment Index**
	Unknown ∗	**None**	**Minor ∗**	**Potentially Significant**		
a. Alteration of or interference with the productivity or profitability of the existing land use of an area?						
b. Conflicted with a designated natural area or area of unusual scientific or educational importance?						
c. Conflict with any existing land use whose presence would constrain or potentially prohibit the proposed action?						
d. Adverse effects on or relocation of residences?						
e. Other:						

Narrative Description and Evaluation of the Cumulative and Secondary Effects on Land Resources (Attach additional pages of narrative if needed):

8. RISK/HEALTH HAZARDS **Will the proposed action result in:**	**IMPACT ∗**				**Can Impact Be Mitigated ∗**	**Comment Index**
	Unknown ∗	**None**	**Minor ∗**	**Potentially Significant**		
a. Risk of an explosion or release of hazardous substances (including, but not limited to oil, pesticides, chemicals, or radiation) in the event of an accident or other forms of disruption?						
b. Creation of any hazard or potential hazard to domestic livestock?						
c. Creation of any human health hazard or potential hazard?						
d. Increased risk of ingress/egress resulting in contact and/or disease between alternative livestock and wild game?						
e. Other:						

Narrative Description and Evaluation of the Cumulative and Secondary Effects on Land Resources (Attach additional pages of narrative if needed):

9. COMMUNITY IMPACT **Will the proposed action result in:**	**IMPACT ∗**				**Can Impact Be Mitigated ∗**	**Comment Index**
	Unknown ∗	**None**	**Minor ∗**	**Potentially Significant**		
a. Alteration of the location, distribution, density, or growth rate of the human population of an area?						
b. Alteration of the social structure of a community?						
c. Alteration of the level or distribution of employment or community or personal income?						
d. Changes in industrial or commercial activity?						
e. Increased traffic hazards or effects on existing transportation facilities or patterns of movement of people and goods?						
f. Other:						

Narrative Description and Evaluation of the Cumulative and Secondary Effects on Land Resources (Attach additional pages of narrative if needed):

10. PUBLIC SERVICES/TAXES/UTILITIES **Will the proposed action result in:**	**IMPACT ∗**				**Can Impact Be Mitigated ∗**	**Comment Index**
	Unknown ∗	**None**	**Minor ∗**	**Potentially Significant**		
a. Will the proposed action have an effect upon or result in a need for new or altered governmental services in any of the following areas: fire or police protection, schools, parks/recreational facilities, roads or other public maintenance, water supply, sewer or septic systems, solid waste disposal, health, or other governmental services? If any, specify:						
b. Will the proposed action have an effect upon the local or state tax base and revenues?						
c. Will the proposed action result in a need for new facilities or substantial alterations of any of the following utilities: electric power, natural gas, other fuel supply or distribution systems, or communications?						
d. Will the proposed action result in increased used of any energy source?						
e. ∗∗Define projected revenue sources						
f. ∗∗Define projected maintenance costs.						
g. Other:						

Narrative Description and Evaluation of the Cumulative and Secondary Effects on Land Resources (Attach additional pages of narrative if needed):

∗∗ 11. AESTHETICS/RECREATION **Will the proposed action result in:**	**IMPACT ∗**				**Can Impact Be Mitigated ∗**	**Comment Index**
	Unknown ∗	**None**	**Minor ∗**	**Potentially Significant**		
a. Alteration of any scenic vista or creation of an aesthetically offensive site or effect that is open to public view?						
b. Alteration of the aesthetic character of a community or neighborhood?						
c. ∗∗Alteration of the quality or quantity of recreational/tourism opportunities and settings? (Attach Tourism Report)						
d. ∗∗∗For P-R/D-J, will any designated or proposed wild or scenic rivers, trails or wilderness areas be impacted? (Also see 11a, 11c)						
e. Other:						

Narrative Description and Evaluation of the Cumulative and Secondary Effects on Land Resources (Attach additional pages of narrative if needed):

12. CULTURAL/HISTORICAL RESOURCES **Will the proposed action result in:**	**IMPACT ∗**				**Can Impact Be Mitigated ∗**	**Comment Index**
	Unknown ∗	**None**	**Minor ∗**	**Potentially Significant**		
a. ∗∗Destruction or alteration of any site, structure or object of prehistoric historic, or paleontological importance?						
b. Physical change that would affect unique cultural values?						
c. Effects on existing religious or sacred uses of a site or area?						
d. ∗∗∗∗For P-R/D-J, will the project affect historic or cultural resources? Attach SHPO letter of clearance. (Also see 12.a)						
e. Other:						

Narrative Description and Evaluation of the Cumulative and Secondary Effects on Land Resources (Attach additional pages of narrative if needed):

SIGNIFICANCE CRITERIA

13. SUMMARY EVALUATION OF SIGNIFICANCE **Will the proposed action, considered as a whole:**	**IMPACT ∗**				**Can Impact Be Mitigated ∗**	**Comment Index**
	Unknown ∗	**None**	**Minor ∗**	**Potentially Significant**		
a. Have impacts that are individually limited, but cumulatively considerable? (A project or program may result in impacts on two or more separate resources that create a significant effect when considered together or in total.)						
b. Involve potential risks or adverse effects which are uncertain but extremely hazardous if they were to occur?						
c. Potentially conflict with the substantive requirements of any local, state, or federal law, regulation, standard or formal plan?						
d. Establish a precedent or likelihood that future actions with significant environmental impacts will be proposed?						
e. Generate substantial debate or controversy about the nature of the impacts that would be created?						
f. ∗∗∗For P-R/D-J, is the project expected to have organized opposition or generate substantial public controversy? (Also see 13e)						
g. ∗∗∗∗For P-R/D-J, list any federal or state permits required.						

Narrative Description and Evaluation of the Cumulative and Secondary Effects on Water Resources (Attach additional pages of narrative if needed):

PART II. ENVIRONMENTAL REVIEW, CONTINUED

2. Description and analysis of reasonable alternatives (including the no action alternative) to the proposed action whenever alternatives are reasonably available and prudent to consider and a discussion of how the alternatives would be implemented:

3. Evaluation and listing of mitigation, stipulation, or other control measures enforceable by the agency or another government agency:

PART III. NARRATIVE EVALUATION AND COMMENT

PART IV. EA CONCLUSION SECTION

1. Based on the significance criteria evaluated in this EA, is an EIS required (YES/NO)? If an EIS is not required, explain why the EA is the appropriate level of analysis for this proposed action.

2. Describe the level of public involvement for this project if any and, given the complexity and the seriousness of the environmental issues associated with the proposed action, is the level of public involvement appropriate under the circumstances?

3. Duration of comment period, if any.

4. Name, title, address and phone number of the person(s) responsible for preparing the EA:

APPENDIX C

Private Property Assessment Act Checklist

PRIVATE PROPERTY ASSESSMENT ACT CHECKLIST

The 54th Legislature enacted the Private Property Assessment Act, Chapter 462, Laws of Montana (1995). The intent of the legislation is to establish an orderly and consistent process by which state agencies evaluate their proposed actions under the "Takings Clauses" of the United States and Montana Constitutions. The Takings Clause of the Fifth Amendment of the United States Constitution provides: "nor shall private property be taken for public use, without just compensation." Similarly, Article II, Section 29 of the Montana Constitution provides: "Private 1property shall not be taken or damaged for public use without just compensation..."

The Private Property Assessment Act applies to proposed agency actions pertaining to land or water management or to some other environmental matter that, if adopted and enforced without compensation, would constitute a deprivation of private property in violation of the United States or Montana Constitutions.

The Montana State Attorney General's Office has developed guidelines for use by state agencies to assess the impact of a proposed agency action on private property. The assessment process includes a careful review of all issues identified in the Attorney General's guidance document (Montana Department of Justice 1997). If the use of the guidelines and checklist indicates that a proposed agency action has takings or damaging implications, the agency must prepare an impact assessment in accordance with Section 5 of the Private Property Assessment Act. For the purposes of this EA, the questions on the following checklist refer to the following required stipulation(s):

(See Chapter 6 “MFWP Preferred Alternative”)

DOES THE PROPOSED AGENCY ACTION HAVE TAKINGS IMPLICATIONS UNDER THE PRIVATE PROPERTY ASSESSMENT ACT?

NO

X 1. Does the action pertain to land or water management or environmental regulation affecting private real property or water rights?

YES

X 2. Does the action result in either a permanent or indefinite physical occupation of private property?

NO

X 3. Does the action deprive the owner of all economically viable uses of the property?

NO

X 4. Does the action deny a fundamental attribute of ownership?

NO

X 5. Does the action require a property owner to dedicate a portion of property or to grant an easement? [If the answer is **NO**, skip questions 5a and 5b and continue with question 6.]

NO

5a. Is there a reasonable, specific connection between the government requirement and legitimate state interests?

5b. Is the government requirement roughly proportional to the impact of the proposed use of the property?

X 6. Does the action have a severe impact on the value of the property?

NO

X 7. Does the action damage the property by causing some physical disturbance with respect to the property in excess of that sustained by the public generally? [If the answer is **NO**, do not answer questions 7a-7c.]

NO

7a. Is the impact of government action direct, peculiar, and significant?

7b. Has government action resulted in the property becoming practically inaccessible, waterlogged, or flooded?

7c. Has government action diminished property values by more than 30% and necessitated the physical taking of adjacent property or property across a public way from the property in question?

Taking or damaging implications exist if **YES** is checked in response to question 1 and also to any one or more of the following questions: 2, 3, 4, 6, 7a, 7b, 7c; or if **NO** is checked in response to questions 5a or 5b.

If taking or damaging implications exist, the agency must comply with Section 5 of the Private Property Assessment Act, to include the preparation of a taking or damaging impact assessment. Normally, the preparation of an impact assessment will require consultation with agency legal staff.